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JOHN LOCKE'S SOCIAL CONTRACT THEORY:
A BAPTIST ASSESSMENT AND CRITIQUE OF LOCKE'S FORMULATION
FOR THE BASIS OF LEGITIMATE POLITICAL AUTHORITY

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My interest in this area of research was spurred by Jonah Goldberg’s book, *Suicide of the West*. Within those pages, Jonah set forth his best defense of “liberal democratic capitalism” that emanated from the Enlightenment and changed the course of Western history. His reverence of liberal democracy piqued my curiosity in a significant way—so much so that I wrote a review of the book to which Jonah responded at *National Review*. And in a very real sense, his passionate engagement provoked me to explore the subject of liberal democracy through the lens of my own tradition.

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ABSTRACT

Following decades of intense political tumult in England, toward the close of the seventeenth century John Locke set forth his liberal political theory in his famous work, *Two Treatises of Government*. In that volume, Locke turned the conventional understanding of the proper relationship between the individual and the state on its head with his assertion that consent is the essential element for the establishment of legitimate political authority. That idea is principally derived from Locke's social contract theory, which he set forth in his *Second Treatise*. For more than two centuries, Locke's vision of government has served as the foundation of the liberal democratic order that undergirds the political structures of many modern nations, including the United States.

Since the American founding, Baptists have found themselves comfortably at home within the confines of liberal democracy in the United States. This comfort and natural allegiance between Baptists and the American state springs largely from the robust protections of religious freedom codified in the First Amendment to the United States Constitution. Because religious liberty has been a central distinctive of the Baptist faith since its inception, Baptists have championed the nation's commitment to safeguard religious freedom and maintain the separation of church and state. But does Locke's theory of government lying at the heart of the American democracy actually cohere with Baptist beliefs? This thesis explores that question through an analysis and critique of Locke's social contract theory utilizing a Baptist theological framework.

To McCaffity, my love and partner.
Thank you.

CHAPTER 1
JOHN LOCKE'S SOCIAL CONTRACT THEORY,
THE BAPTIST TRADITION, AND POLITICAL AUTHORITY

John Leland, the eminent American Baptist pastor of the late eighteenth and early nineteenth centuries, once remarked, “The introduction of pure Christianity into a nation, is an immense blessing, so long as it operates in its native channel.”¹ It is often said that the greatest political contribution of Baptists in the United States is their influence in securing and upholding robust protections for religious freedom and their stalwart defense of the separation of church and state.² Roughly two centuries ago, Leland wrote those words that reflect well the then-solidifying Baptist perspective on the necessary division of spiritual matters from affairs of the state. Christianity, Leland wrote, was “the only religion on earth, worth having ... the best thing on earth.”³ And still he said of the

¹ John Leland, “Which Has Done the Most Mischief in the World, the Kings-Evil or Priest-Craft?,” in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 485.

² Perhaps the best-known example of Baptist influence upon religious freedom in the United States is Thomas Jefferson’s letter responding to the concerns of the Danbury Baptists in which the infamous “wall of separation” phrase is recorded. Thomas Jefferson, “Jefferson’s Letter to the Danbury Baptists,” January 1, 1802, <https://www.loc.gov/loc/lcib/9806/danpre.html>; See also, George Truett’s sermon, “Baptists and Religious Liberty” in which he declares, “Indeed, the supreme contribution of the new world to the old is the contribution of religious liberty. This is the chiefest contribution that America has thus far made to civilization. And historic justice compels me to say that it was pre-eminently a Baptist contribution.” George W. Truett, “Baptists and Religious Liberty,” *Baptist History and Heritage* 33.1 (1998): 66–85; Similarly, concerning this idea, the Baptist pastor and social activist, J. M. Dawson remarked, “Church-state separation for the Baptists is bound up with their conception of Christianity.” Joseph Martin Dawson, *Baptists and the American Republic* (New York: Arno Press, 1980), 99.

³ Leland, “Which Has Done the Most Mischief in the World, the Kings-Evil or Priest-Craft?,” 493.

Christian faith, “But, wherever it has been made the characteristic of a whole nation, and treated as a principle of state policy, it has been the worst hag above hell.”⁴

Even from their humble beginnings, Baptists have always stood for religious freedom.⁵ But as with nearly every aspect of Baptist doctrine, Baptist understanding of religious liberty developed over time. Baptists were a people birthed amid persecution in England—wherein the state sought to exercise its power to stamp out religious non-conformity—and have for this reason maintained from the very beginning the important distinction between matters of state and matters of faith.⁶ Before his death in 1612, the early English Baptist, John Smyth wrote, “The magistrate is not by virtue of his office to meddle with religion, or matters of conscience, to force or compel men to this or that form of religion, or doctrine: but to leave Christian religion free, to every man’s conscience.”⁷ Though Smyth applied these ideas of religious freedom narrowly, limiting

⁴ Leland, “Which Has Done the Most Mischief in the World, the Kings-Evil or Priest-Craft?,” 493.

⁵ As heirs to the “Free Church” tradition articulated by both Anabaptists and Mennonites prior to the advent of Baptists in England, Baptists, from their inception, were committed to the Free Church tradition of defending liberty of conscience. For more on Baptists and the Free Church, see Robert G. Torbet, *A History of the Baptists*, 3d ed. (Valley Forge, PA: Judson Press, 1973); On the early history of Baptists and religious freedom, see H. Leon McBeth, “English Baptist Literature on Religious Liberty” (Th.D. diss., Southwestern Baptist Theological Seminary, 1961); For a broad overview of the Baptist legacy on this topic, see Thomas White, Jason G. Duesing, and Malcolm B. Yarnell, eds., *First Freedom: The Baptist Perspective on Religious Liberty* (Nashville, TN: B & H Academic, 2007).

⁶ For more on Baptist origins and persecution, see Torbet, *A History of the Baptists*, 33–57; For information on the connection between persecution and Baptist’s commitment to religious liberty, see Leon McBeth, *The Baptist Heritage* (Nashville, TN: Broadman Press, 1987), 85–86.

⁷ This quotation is from Smyth’s Propositions and Conclusions Concerning True Christian Religion, as found in William Latane Lumpkin and Bill Leonard, eds., *Baptist Confessions of Faith*, 2nd rev. ed. (Valley Forge, PA: Judson Press, 2011), 128. Smyth’s Propositions and Conclusions was submitted by his followers in Amsterdam to the Dutch Mennonites shortly after his death. Though the final document was not yet completed before he died, Smyth wrote the entire first draft himself and is considered to be the text’s primary author. Significantly, Propositions and Conclusions is considered to be “the first confession of faith of modern times to demand freedom of conscience and separation of church and state” (115). For more on Smyth’s authorship of the confession, see James Leo Garrett, *Baptist Theology: A Four-Century Study*, 1st ed. (Macon, GA: Mercer University Press, 2009). It is important to note, however, the evolving understanding of “conscience” among Baptists at this time. Smyth and his contemporaries lived decades

their application to Christians only, Smyth’s contemporary and fellow English Baptist pioneer, Thomas Helwys, applied the same ideas more broadly.⁸ Concerning such freedom, Helwys wrote, “For men’s religion to God is between God and themselves. The king shall not answer for it. Neither may the king be judge between God and man. Let them be heretics, Turks, Jews, or whatsoever.”⁹

American Baptists and Religious Liberty

Nearly two hundred years stand between John Leland and his Baptist forebears Smyth and Helwys. Over that period, Baptist views of religious freedom underwent considerable refinement and clarification. But as witnessed in the quote from Smyth, freedom of conscience has always been a central tenet of the Baptist faith, even though the degree such principles were to be applied has been debated over time. Whereas Smyth applied the idea of conscience rights narrowly to Christians—in defense of their right to obey God’s will above all—Helwys called for similar protections to benefit all men of any creed. And beginning with Roger Williams in the mid-seventeenth century, the Baptist tradition of religious freedom took root on the North American continent, most visibly in

ahead of the Enlightenment, thus “liberty of conscience ... was a theological concept for John Smyth and his followers. It was not, as it would later become, an idea grounded in human nature and protected as a natural right.” Lee Canipe, *A Baptist Democracy: Separating God and Caesar in the Land of the Free*, 1st ed. (Macon, GA: Mercer University Press, 2011), 28.

⁸ For more on Smyth and Helwys, see Walter H. Burgess, *John Smyth the Se-Baptist, Thomas Helwys, and the First Baptist Church in England* (London: James Clarke, 1911); For more on Smyth’s theological development, see Jason K. Lee, *The Theology of John Smyth: Puritan, Separatist, Baptist, Mennonite* (Macon, GA: Mercer University Press, 2003); For more on Helwys’ life and works, see Thomas Helwys, *The Life and Writings of Thomas Helwys*, ed. Joseph E. Early, 1st ed., *Early English Baptist Texts* (Macon, GA: Mercer University Press, 2009).

⁹ The quotation is from Helwys’ *The Mystery of Iniquity* as found in Leon McBeth, *A Sourcebook for Baptist Heritage* (Nashville, TN: Broadman, 1990), 72. The spelling has been modernized by the author.

Williams' work establishing the colony of Rhode Island.¹⁰ Later influential American Baptists such as Isaac Backus continued this tradition of defending rights of conscience and religious freedom by opposing "the levying of taxes upon those who did not subscribe to the established religion and the jailing of unlicensed preachers" in the late nineteenth century.¹¹ Yet even Backus, the celebrated advocate of religious liberty, still envisioned such freedoms to exist within something akin to a tolerant, broadly-Christian state.¹²

Around the same time, however, John Leland—articulating what would become the majority view of religious freedom among Baptists in America—declared, "The notion of a Christian commonwealth, should be exploded forever Here let it be observed, that religion is a matter entirely between God and individuals."¹³ Such a

¹⁰ In founding the Rhode Island colony, Williams sought to establish a new government upon the principles of church-state separation and religious liberty. As Eberle notes, "Williams offered a strategy by which the interests of church and state might be coordinated with each other so that civil peace could reign, government could function smoothly and the fundamentality of religion could yet be preserved amidst the challenges of the modern world. These ideas—non-coercion, equality, non-establishment and separationism—are the core of the American idea of religious freedom." Edward J. Eberle, "Roger Williams on Liberty of Conscience," *Roger Williams Univ. Law Rev.* 10.2 (2005): 38.

¹¹ Andrew Koppelman, "Corruption of Religion and the Establishment Clause," *William Mary Law Rev.* 50.6 (2009): 106.

¹² Koppelman, "Corruption of Religion and the Establishment Clause." Though he opposed the official establishment of religion, Backus did support measures to restrict public office to Christians, a petition urging Congress to license the publication of the Bible to guard against heresy, and laws requiring church attendance. For more on Backus' views on religious freedom, see William G. McLoughlin, "Isaac Backus and the Separation of Church and State in America," *The American Historical Review* 73.5 (1968): 1392–1413. That Backus favored a less robust view of religious freedom than Williams illustrates the gradual and non-linear nature of this development among Baptists concerning religious liberty. This overview, however, does reflect Baptist commitment to rights of conscience even as their commitment to a robust view of religious freedom developed over time.

¹³ John Leland, "The Virginia Chronicle," in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 84. In the remainder of that quotation, Leland wrote, "No man has a right to force another to join a church; nor do the legitimate powers of civil government extend so far as to disable, incapacitate, proscribe, or in any way distress, in person, liberty or life, any man who cannot believe and practice the common road." Leland's words here have a distinctly Lockean flavor, a connection that will soon be explored. For an excellent treatment of the divergence between Backus and Leland on religious freedom, see Joe L. Coker, "Sweet

position for Leland was but the faithful outworking of the Baptist view of religious liberty. Yet, it is critical to note that the implications of such a robust doctrine of religious freedom are far-reaching, not only for the church but for the state as well. Leland's words demonstrate the point:

Government should protect every man in thinking and speaking freely, and see that one does not abuse another. The liberty I contend for, is more than toleration. The very idea of toleration, is despicable; it supposes that some have pre-eminence above the rest, to grant indulgence; whereas, all should be equally free, Jews, Turks, Pagans and Christians. Test oaths, and established creeds, should be avoided as the worst of evils...[I]t is not the province of civil government to establish forms of religion.¹⁴

In 1920, nearly seventy years after Leland's death, the iconic Baptist pastor, George W. Truett, delivered an address from the steps of United States Capitol in Washington, D.C. advocating for robust protections for religious freedom, furthering the tradition of John Leland. Before a crowd of many thousands including Baptist pastors and laymen gathered in the city for the annual convening of the Southern Baptist Convention, as well as members of congress, cabinet officials, and other dignitaries, Truett delivered his remarks to the assembly on "Baptists and Religious Liberty." On the subject, Truett declared, "Baptists have one consistent record concerning liberty throughout all their long and eventful history. They have never been a party to oppression of conscience. They have forever been the unwavering champions of liberty, both religious and civil."¹⁵ And

Harmony vs Strict Separation: Recognizing the Distinctions Between Isaac Backus and John Leland," *Am. Baptist Q.* 16.3 (1997): 241–50.

¹⁴ Leland, "The Virginia Chronicle," 110.

¹⁵ Truett, "Baptists and Religious Liberty," 67. It is worth noting that on John Leland's tombstone, the inscription describes Leland as a champion of precisely these rights, "Here lies the body of the Rev. JOHN LELAND, of Chesire, who labored 67 years to promote piety and vindicate the civil and religious rights of all men." John Leland, *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 42. This indispensable volume contains over 700 pages of Leland's writing.

in this famed address, Truett not only rehearsed the Baptist legacy on religious freedom and rights of conscience but issued a declaration concerning these sacred principles:

Their contention now, is, and has been, and, please God, must ever be, that it is the natural and fundamental and indefeasible right of every human being to worship God or not, according to the dictates of his conscience, and, as long as he does not infringe upon the rights of others, he is to be held accountable alone to God for all religious beliefs and practices. Our contention is not for mere toleration, but for absolute liberty. There is a wide difference between toleration and liberty. Toleration implies that somebody falsely claims the right to tolerate. Toleration is a concession, while liberty is a right. Toleration is a matter of expediency, while liberty is a matter of principle. Toleration is a gift from man, while liberty is a gift from God. It is the consistent and insistent contention of our Baptist people, always and everywhere, that religion must be forever voluntary and uncoerced, and that it is not the prerogative of any power, whether civil or ecclesiastical, to compel men to conform to any religious creed or form of worship, or to pay taxes for the support of a religious organization to which they do not believe. God wants free worshipers and no other kind.¹⁶

The Implications of Strict Separation

Baptists are not a monolith. As a democratic people who contend for soul liberty, there is no official Baptist dogma concerning religious freedom. Even so, over the course of four centuries, a majority of American Baptists have reached a consensus on religious liberty that was articulated by John Leland and echoed in the words of George Truett quoted above. This consensus or majority Baptist view of religious freedom esteems rights of conscience as sacred and inviolable—in Truett’s words “a gift from God”—and recognizes that upholding these rights requires the strict separation of church and state to

¹⁶ Truett, “Baptists and Religious Liberty,” 67.

ensure no church or religion “be established by government or in any way privileged over any other.”¹⁷

Even so, it is necessary to note again the implications of these assertions. Espousing such a commitment to religious freedom extends well beyond the boundaries of the church. Indeed, to do so is to advocate for both a theological and political doctrine of freedom.¹⁸ If, as Leland contended, the notion of a Christian commonwealth cannot exist alongside a robust vision of religious freedom, what kind of government does cohere with Baptist beliefs? Indeed, what kind of state, with what vision of political authority and moral legitimacy, is able to operate in concert with the contours of Baptist theology? In order to defend this sacred doctrine of religious freedom, Baptists require a theory of government consistent with this central tenet of the Baptist faith. This thesis will explore the merits of one such theory in order to answer these questions.

John Locke and the Baptist Tradition

The political theory of John Locke has for more than two centuries served as the foundation for Western democracy. In the midst of fierce political upheaval in England

¹⁷ White, Duesing, and Yarnell, *First Freedom*, 68–70. Malcom Yarnell refers to this consensus among Baptists as the “major tradition.” He does note that the accommodationist view is still represented by a minority of Baptists whom while rejecting religious establishment acknowledge the value of leveraging the power of the state to advance certain religious ideals. For more information on accommodationism, see the discussion in Aaron Menikoff, *Politics and Piety: Baptist Social Reform in America, 1770–1860*, 2 (Eugene, OR: Pickwick, 2014), 105–33. This thesis asserts and defends the strict separationist view.

¹⁸ Specifically, as a political doctrine the Baptist view of religious freedom requires certain protections for civil liberties and limits the boundaries of the state’s authority. This idea is further explored throughout this thesis.

toward the close of the seventeenth century, Locke set forth his liberal political theory in his famous work, *Two Treatises of Government*.¹⁹ In that volume, Locke's *First Treatise* sought to dispute the claims of Sir Robert Filmer concerning the divine right of kings, while the *Second Treatise* details Locke's arguments in support of limited government. Though both were important, it was Locke's *Second Treatise* that would shape the course of history. For in it, Locke turned the conventional understanding of the proper relationship between the individual and the state on its head with his assertion that consent is the essential element for the establishment of legitimate political authority.²⁰

While Locke acknowledges that every person is bound by natural, moral duties, he articulates a theory of the social contract to account for the nature and origins of *political* obligations.²¹ To demonstrate the need for a social contract, he argues that individuals naturally enjoy freedom and autonomy, and owe neither submission nor allegiance to any government or political entity apart from their consent. His social contract theory thus serves as the center of his political philosophy, explaining the manner in which binding political arrangements come into existence.

Locke is known today as the father of classical liberalism.²² His liberal theory of government has, over time, become the foundation of the liberal democratic order that

¹⁹ John Locke, *Two Treatises of Government*, ed. Peter Laslett, Cambridge Texts in the History of Political Thought (Cambridge; New York, NY: Cambridge University Press, 1988).

²⁰ John Dunn, *Locke, Past Masters* (Oxford; New York, NY: Oxford University Press, 1984), 49.

²¹ Jonathan Wolff, *An Introduction to Political Philosophy*, 3d ed. (Oxford; New York, NY: Oxford University Press, 2016), 40.

²² W. Julian Korab-Karpowicz, *On the History of Political Philosophy: Great Political Thinkers from Thucydides to Locke* (Boston: Pearson, 2012), 184. For a definition of liberalism, see the "Definition of Terms" in this chapter.

undergirds the political structures of many modern nations, including the United States.²³ Indeed, the men who drafted both the Declaration of Independence as well as the Constitution appealed directly to Locke's political theory in their efforts to establish the fledgling American nation.²⁴

For nearly two centuries, Baptists have found themselves comfortably at home within the confines of liberal democracy in the United States.²⁵ Though the explanation is multifaceted, as Jason D. Whitt argues, this comfort and natural allegiance between Baptists and the American state springs largely from the robust protections of religious freedom codified in the First Amendment to the United States Constitution. Because religious liberty has been a central distinctive of the Baptist faith since its inception, Baptists have championed the nation's commitment to safeguard religious freedom since

²³ As Locke scholar, Greg Forster, asserts, "Locke's account of natural rights provided a starting point for the emergence of liberal democracy." Greg Forster, *The Contested Public Square: The Crisis of Christianity and Politics* (Downers Grove, Ill: IVP Academic, 2008), 179. Though Locke is hardly the sole influence in the development of liberal democracy, the significance of his political theory is difficult to overstate.

²⁴ Cf. Forster, *The Contested Public Square*, 195-201. Forster credits Locke's theory of government as central to the work of the American founders: "The American Revolution, when it came ... would be disciplined by the leadership of gifted natural-law philosophers and carried out in obedience to carefully articulated doctrines of justice and natural rights ... to craft a government based on this new understanding of politics." He cites as specific examples of Locke's influence, Jefferson's adaptation of Locke's formulation concerning "life, liberty, and property" in the preamble to the Declaration of Independence, as well as Locke's ideas concerning both consent and property upon the Constitution. Concerning Locke's influence on the founding generation, see Michael P. Zuckert, *Natural Rights and the New Republicanism*, 3d ed. (Princeton, NJ: Princeton Univ. Press, 1998); Donald L. Doernberg, "'We the People': John Locke, Collective Constitutional Rights, and Standing to Challenge Government Action," *California Law Review* 73.1 (1985): 52. Locke's conception of the natural rights of men as well as his views of political obligations significantly influenced those responsible for crafting both the federal and state governments in the period following the American Revolution, and his liberal theory of limited government has served as a framework for political structures in the United States ever since. Cf. Korab-Karpowicz, *On the History of Political Philosophy*, 213.

²⁵ For example, see the extended discussion of this theme in Jason D. Whitt, "Transforming Views of Baptist Ecclesiology: Baptists and the New Christendom Model of Political Engagement" (Ph.D. diss., Baylor University, 2008). Whitt argues that Baptists have embraced liberal democracy in America largely due to their commitment to religious freedom.

the ratification of the Bill of Rights in 1791, and have, in the main, been ardent supporters of American democracy.²⁶ But are the principles of liberal democracy consistent with Baptist beliefs? Certainly, the broad acceptance of liberal democracy, a system predicated upon Locke's theory of limited government, among Baptists in the West warrants further scrutiny.

Due to their theological commitment to religious freedom, Baptists are opposed by conviction to the idea of a confessional state and object to the state making laws for religious reasons. Thus, in order to advance their convictions on religious liberty, Baptists do well to have a coherent vision of political authority consistent with these beliefs. To obtain such, Baptists must answer fundamental questions related to the nature and authority of the state. Given the significance of John Locke's political theory, and Baptists' continued, tacit alliance with liberal democracy in the United States, it is worth undertaking both an assessment and critique of Locke's theory of the social contract in order to determine its utility concerning a Baptist view of political authority.

Thesis

The thesis statement of this research project is as follows: this thesis will determine whether John Locke's social contract theory holds significant benefit for articulating a Baptist view of political authority. The title of this thesis reflects this endeavor to both assess and critique Locke's theory of the social contract utilizing a Baptist theological

²⁶ Two prime examples from the twentieth century can be witnessed in the writings of E. Y. Mullins and Carl F. H. Henry. See Mullin's defense of democracy in Edgar Young Mullins, *Axioms of Religion: A New Interpretation of the Baptist Faith* (New York, NY: Forgotten Books, 2015), 221–23. Similarly, see Henry's argument in favor of the compatibility of Christianity and democracy in Carl F. H. Henry, *Has Democracy Had Its Day?* (Nashville, TN: ERLC Publications, 1996).

framework. This thesis will demonstrate that Locke’s social contract theory represents a helpful source to draw upon in constructing a Baptist approach to political authority.

Background

There is presently no small amount of controversy concerning the ongoing usefulness of liberal democracy. While liberalism has endured fervent criticism since its inception, in the last several years there has been a renewed and concerted effort to call into question its foundations. Perhaps the most significant of these recent critiques is found in Patrick Deneen’s popular volume, *Why Liberalism Failed*, in which Deneen argues that the modern liberal order is collapsing in on itself as a result of its original, fundamentally flawed, premises.²⁷ Alongside Deneen’s explicit critique of liberalism is Yoram Hazony’s influential work, *The Virtue of Nationalism*, which affirms the benefits of the nation-state over against the international models of governance fostered by liberal ideals.²⁸ Beyond these book length treatments are countless articles and op-eds published in the pages of major media outlets, conservative journals and periodicals, and even theological and religious publications debating the merits, liabilities, and deficiencies of liberalism.²⁹ For

²⁷ Patrick J. Deneen, *Why Liberalism Failed*, Politics and Culture (New Haven: Yale University Press, 2018); For two popular books more favorable to classical liberalism, see Jonah Goldberg, *Suicide of the West: How the Rebirth of Tribalism, Populism, Nationalism, and Identity Politics Is Destroying American Democracy*, 1st ed. (New York, NY: Crown Forum, 2018); Ben Shapiro, *The Right Side of History: How Reason and Moral Purpose Made the West Great* (New York, NY: Harper Collins, 2019).

²⁸ Yoram Hazony, *The Virtue of Nationalism*, 1st ed. (New York, NY: Basic Books, 2018).

²⁹ Indeed, there has been something of a deluge of material written on this subject recently, mostly in service to the internecine skirmishes of social conservatives in the United States. A full list of examples would be too numerous to include here. Many of the most relevant examples are: Various, “Against the Dead Consensus,” *First Things*, March 2019, <https://www.firstthings.com/web-exclusives/2019/03/against-the-dead-consensus>; Yoram Hazony, “Conservative Democracy,” *First Things*, January 2019, <https://www.firstthings.com/article/2019/01/conservative-democracy>; Sohrab Ahmari, “Against David French-Ism,” *First Things*, May 2019, <https://www.firstthings.com/web-exclusives/2019/05/against-david-french-ism>; David French, “In Defense of ‘Frenchism,’” *National Review*, 6 June 2019,

this reason, further study of the elements of liberal theory and its coherence within a Baptist theological framework is of significant value. At a time of incessant calls to reexamine the very foundations of American government, it seems a fitting occasion for contemporary Baptists to consider the degree to which these foundations align with Baptist theology.

Outline

The second chapter of this thesis will present an overview of the development of Baptist's doctrine of religious liberty. This will include a brief exploration of the origins of the Baptist movement, followed by a historical overview of the thought of early Baptists in both England and the United States beginning with Baptist pioneer John Smyth and concluding with John Leland, whose robust doctrine of religious freedom came to represent the majority view among American Baptists. From this overview, the second chapter will conclude by establishing the five essential elements of a Baptist view of the state.

The third chapter will set forth Locke's social contract theory in detail. This chapter will include both a historical overview of Locke's life and context, as well as a

<https://www.nationalreview.com/magazine/2019/06/24/in-defense-of-frenchism/>; Charles C. W. Cooke, "The Post-Liberals' Incoherence," *National Review*, 20 June 2019, <https://www.nationalreview.com/magazine/2019/07/08/the-post-liberals-incoherence/>; David Brooks, "What Are Conservatives Actually Debating?," *New York Times*, 4 June 2019, <https://www.nytimes.com/2019/06/04/opinion/conservatives-david-french-trump.html>; Andrew T. Walker, "Ahmari or French? Why Christianity Is Not Pragmatic," *The Gospel Coalition*, 20 June 2019, <https://www.thegospelcoalition.org/article/ahmari-french-christianity-pragmatic/>; Paul D. Miller, "Against 'Conservative Democracy,'" *Providence Magazine*, 19 June 2019, <https://providencemag.com/2019/06/against-conservative-democracy/>; Emma Green, "Imagining Post-Trump Nationalism," *The Atlantic*, January 2019, <https://www.theatlantic.com/politics/archive/2019/06/first-things-nationalism-trump/592996/>.

careful examination of his social contract theory as set forth in his *Second Treatise*. This chapter will present a thorough treatment of the core elements of Locke's contract theory including his anthropology, his views on natural law and natural rights, the idea of consent, and the nature of political obligations. It will also include a brief examination of substantive criticisms of social contract theory.

The fourth chapter will present an assessment and critique of Locke's social contract theory to determine its usefulness and coherence within a Baptist theological framework. The chapter will examine Locke's social contract, as previously set forth, utilizing the five essential elements of a Baptist view of the state established in the second chapter. Finally, this analysis and critique will determine the measure for which Locke's theory of the social contract holds value for a Baptist theory of government.

The fifth chapter will bring the thesis to a close by summarizing the arguments and significant conclusions put forward within the previous chapters. The conclusion will also provide a concise defense of the utility of Locke's contract theory for Baptists. Finally, this chapter will suggest possible lines of inquiry for further research related to this thesis.

Methodology

Method and Resources

This thesis is a historical and analytical research project concentrated on John Locke's political philosophy and Baptist theology. The argument presented herein consists of three parts. This thesis will first demonstrate the need for a coherent Baptist view of political authority by examining the Baptist distinctive of religious liberty,

establishing five essential elements of a Baptist view of the state. This investigation of Baptist beliefs will require both historical and analytical research into important figures in Baptist history and Baptist theology, including certain Baptist confessions of faith. This thesis therefore will engage such resources as historical works and archives, biographies, journal articles, and various works from Baptist theologians in England and the United States.

The second section will explore John Locke's historical context, analyze certain aspects of his broader political philosophy, and present and examine the core elements of his social contract theory. This thesis will therefore also interact with biographical works on Locke, historical works covering his time, books and scholarly articles on political philosophy, as well as numerous resources specifically focused on social contract theory.

The final section will interact with the core elements of Locke's theory of the social contract utilizing a Baptist framework and will examine its utility for a Baptist doctrine of political authority. To accomplish this task, the thesis will call upon the resources previously mentioned, and at every step will utilize Scripture as both the Word of God and sole authoritative standard in determining Baptist beliefs.

Limitations

Though Baptists are today a global people, this thesis will focus on the contributions of Baptists in England and North America. Additionally, the author is aware that John Locke's theory of government was not the sole inspiration nor singular guiding force in the development of either liberal democracy or the federal system of

government within the United States. Similarly, the author is also aware that John Locke's social contract theory does not represent the whole of Locke's political theory.

Definition of Terms

At the outset, it will be helpful to offer a preliminary definition of key terms. To begin, the phrase "classical liberalism" will be used to refer to the system of political thought that arose during the Enlightenment, principally from the political writings of John Locke, which seeks to maximize the freedom of individuals by limiting the role of government.³⁰ Similarly, the phrase "liberal democracy" refers here to a political ideology that manifests in a representative and participatory form of government and operates within the broader framework of classical liberalism. Additionally, "political authority" refers to the ability of a government to create and enforce, by coercion if necessary, obligations among its subjects.³¹

The phrase "social contract" refers to a form of agreement—"whether express, implied, or hypothetical"—among individuals to cooperate together in order to advance their collective good, which results in the creation of political obligations.³² The term "natural law" in this thesis refers to a set of fundamental moral principles that are binding upon all people "by virtue of their nature alone," which are universally recognizable by

³⁰ This term should not be confused with the word "liberal" as used in contemporary American politics to denote a left-leaning political orientation, usually favoring a larger role for government in order to advance the ideals of justice and equality. In this thesis, the term "liberal" will be used to refer to classical liberalism unless otherwise stated. For a thorough definition of liberalism, see Roger Scruton, *A Dictionary of Political Thought*, 1st U.S. ed. (New York: Harper & Row, 1982), 269–70.

³¹ There is debate among political philosophers concerning this term, specifically whether a government must possess the "right" to enforce obligations in order to possess "authority." A full pursuit of this question is beyond the scope of this thesis, but a limited discussion will be taken up in chapter three. For more, see Scruton, *A Dictionary of Political Thought*, 32, 359.

³² Scruton, *A Dictionary of Political Thought*, 431.

all people regardless of geographic or historical location.³³ Likewise, the term “natural rights” refers to the set of fundamental liberties that apply to all people regardless of geographic or historical location, which are derived from the precepts of natural law.

When referring to the freedoms and safeguards concerning religious practice, this thesis makes the careful distinction between the ideas of “religious toleration” and “religious freedom.” Herein, “religious toleration” refers to a government’s commitment to grant certain measures or forms of religious practice or adherence, while restricting other actions deemed to be in conflict with the aims or beliefs of the state—especially where such restrictions are narrowly applied to specific groups or belief systems. Conversely, both the phrases “religious freedom” and “religious liberty” refer to a government’s commitment to guarantee broad protections for religious faith and practice, limiting incursions upon such freedom excepting only matters concerning vital interests of the state. Finally, “establishment” is understood in this thesis to refer to the attempt of any government to officially endorse or aid a particular religion or set of religious beliefs.

³³ Scruton, *A Dictionary of Political Thought*, 317; For a helpful introduction to natural law from an evangelical perspective, see David VanDrunen, *A Biblical Case for Natural Law*, Studies in Christian Social Ethics and Economics (Grand Rapids, MI: Acton Institute, 2006).

CHAPTER 2 BAPTISTS, RELIGIOUS LIBERTY, AND THE STATE

Baptists and the state have always been on a collision course. Under James I, England at the dawn of the seventeenth century was a nation with an established state church and a monarch who threatened persecution for religious nonconformists—specifically, the king promised to “harrie them out of the land.”¹ Yet this “crucible of persecution” fostered the emergence of a new religious movement that would forever be defined by its commitment to religious freedom and rights of conscience.² Emerging in this period, the Baptist movement came into existence at a time of great upheaval as both the church and the state sought to wield the other’s power to bring about order and conformity in English society. From their inception, Baptists have always stood against such incursions of authority, in both directions, insisting upon the mutual recognition of sovereign authority in the respective spheres of church and state. And thus, Baptists have always been defined, at least in part, by their views concerning the proper role of the state.

¹ James I and Charles Howard McIlwain, *The Political Works of James I* (Union, NJ: Lawbook Exchange, 2002), xc. For more on Baptist origins in England see, Joseph Ivimey, *A History of English Baptists*, 4 vols. (London: printed for author, 1811). See also, W. T. Whitley, *A History of British Baptists* (Kingsgate: Charles Griffen and Company, 1923).

² As McBeth states, “historical evidence confirms that the Baptist denomination, as it is known today, originated in the early seventeenth century. This does not mean, however, that Baptist viewpoints did not exist before that time. Those who hold the Baptist faith believe their distinctive doctrines, such as salvation by grace through faith, a ‘gathered church,’ believer’s baptism, authority of Scripture, and religious liberty, reflect the doctrines of New Testament Christianity. The seventeenth-century Baptists did not invent these doctrines; they rediscovered and articulated them afresh for a new era.” McBeth, *The Baptist Heritage*, 61.

This chapter will survey Baptist convictions on religious freedom and the state in order to contrast these views with John Locke’s approach to government set forth in his social contract theory.³ To this end, this chapter will consider the origins of Baptist thought on the subjects of religious liberty, rights of conscience, and the role of the state in the lives and thought of early English and American Baptists, beginning with the Baptist pioneer John Smyth and concluding with the American Baptists Isaac Backus and John Leland.⁴ As argued in the previous chapter, Baptists are not a monolith, and their beliefs about religious freedom and the state did not develop in a linear fashion. Still, in the nearly two decades separating Smyth and Leland, specific views about religious freedom and the state emerged and took root among a majority of Baptists.

³ Because the actual experience of persecution played a significant role in shaping the thought of many Baptist defenders of religious freedom, the following survey gives attention to historical, biographical, and theological details of the persons considered.

⁴ Backus and Leland were contemporaries. Though there was substantial agreement between the two men, it was Leland’s views that came to represent a mature perspective of these issues among Baptists in the United States. Until the late twentieth century, it was common to speak of the Backus-Leland Tradition among Baptists regarding religious liberty. J. M. Dawson, James Dunn, and James E. Wood, Jr. each defended the continuity and influence of the tradition, which they argued began with Roger Williams in the seventeenth century and solidified in the work of Backus and Leland in the late-eighteenth century. For a discussion of their works and the development of this tradition, see, Canipe, *A Baptist Democracy*, 38-39. For a defense of the Backus-Leland Tradition, see Edwin Gaustad, “The Backus-Leland Tradition,” *Foundations* 2 (1959): 131–52. It is worth noting that Gaustad modified his position on the tradition in Edwin Gaustad, “Religious Liberty: Some Fine Distinctions,” *Am. Baptist Q.* 6 (1987): 215–25. The consensus concerning the tradition was first challenged by William McLoughlin in 1968, see McLoughlin, “Isaac Backus and the Separation of Church and State in America.” McLoughlin identified a clear distinction between the thought of Backus and Leland, namely Backus’s comfort with limited Christian influence in the affairs of the nation. Backus, for example, was comfortable with the idea of the United States as a “Christian nation,” while Leland was not. For a helpful discussion of the distinction between the two men, see Coker, “Sweet Harmony vs Strict Separation.” This thesis argues that Leland’s view of strict separation came to represent the majority view among Baptists, while appreciating Backus’s significant contribution to the Baptist tradition of religious liberty. For a discussion of Baptists in the early republic who were less convinced of strict separation, see Obbie Tyler Todd, “Baptist Federalism: Religious Liberty and Public Virtue in the Early Republic,” *J. Church State* (2020), <https://academic.oup.com/jcs/advance-article/doi/10.1093/jcs/csaa035/5864425>.

This survey of the beliefs of early Baptists concerning the state will yield five conclusions about the proper role of government. Each of these conclusions emerges from the Baptist doctrine of religious freedom. Together they represent the essential elements of a Baptist view of the state, all five of which continue to guide Baptist thought today.⁵ The five statements will be demonstrated in the course of this survey, but are preliminarily set forth here:

1. The state is established by God and exists to promote justice, punish evil, and order affairs in the civil realm.
2. The state has no authority over the conscience and must make no laws to establish religion, nor coerce religious beliefs.
3. Christians have a duty to obey the state.
4. The state has a duty to protect religious freedom.
5. Church and state must remain separate.

On Baptist Origins

At the center of a Baptist view of the state is the doctrine of religious freedom. For Baptists, belief in religious liberty was born of Scripture and forged of necessity.⁶ Because the movement originated in the context of fierce religious persecution, Baptists were forced to think carefully about religious freedom and to articulate a biblical, if

⁵ These five essential elements of a Baptist view of the state will form the framework for the analysis and critique of Locke's contract theory in chapter four. While some may express these concepts in slightly different ways, in their essence they represent the core convictions apparent in the major tradition concerning religious liberty among American Baptists.

⁶ For Baptists, the doctrine of religious liberty was about more than pragmatism. As Strange contends, Baptist belief in religious liberty flowed out of their biblical and theological beliefs, much of which was inherited from the Christian tradition which preceded the advent of the movement, "For early English and colonial Baptists, the doctrines of liberty of conscience and separation of church and state flowed from such foundational theological and ecclesiological doctrines as justification by faith through grace, *sola scriptura*, believer's baptism, and the doctrine of the church." Sammie Pedlow Strange Jr., "Baptists and Religious Liberty: 1700-1900" (Ph.D. diss., The Southern Baptist Theological Seminary, 2006), 6.

limited, view of the role of government. Understanding Baptist thought on the state therefore requires an understanding of Baptist origins.

In seeking to understand Baptist origins, one must begin with the Bible.⁷ Baptists have always been a people of the Scriptures. As James Leo Garrett notes, “Baptists have consistently affirmed that the canonical Scriptures are always superior to and more authoritative than any or all postbiblical traditions.”⁸ Beginning with John Smyth, Baptists have always defended the doctrine of religious freedom from the foundation of the Scriptures.⁹

But Baptist beliefs were not established *de novo*. Instead, Baptists stand in the long stream of Protestant Christianity, which traces its roots back to the Reformation and its doctrines of “justification by faith, the authority of the Scripture, and the priesthood of believers.”¹⁰ Indeed, Garrett, in his massive work, *Baptist Theology: A Four Century Study* establishes that Baptist beliefs are predicated upon the tradition of orthodox Christianity that preceded the emergence of the Baptist movement in the seventeenth

⁷ Cf. Anthony L. Chute, Nathan A. Finn, and Michael A. G. Haykin, *The Baptist Story: From English Sect to Global Movement* (Nashville, TN: B & H Academic, 2015), 6. See also Bush and Nettles who argue, “Historically, Baptists have always built their theology from a solid foundation. Holy Scripture was taken to be God’s infallible revelation in words,” L. Russ Bush and Tom J. Nettles, *Baptists and the Bible*, revised and expanded ed. (Nashville, TN: Broadman & Holman, 1999), 4.

⁸ James Leo Garrett, *Baptist Theology: A Four-Century Study*, 1st ed. (Macon, GA: Mercer University Press, 2009), 5. Concerning this subject, the English Baptist Thomas Crosby wrote, “That the holy Scriptures are to be the only rule of our faith and worship; and that we are to practice nothing, as an institution of Christ, which is not therein contained.” Thomas Crosby, *The History of the English Baptists: From the Reformation to the Beginning of the Reign of King George I* (London: Printed for editor, 1738), 1:ix.

⁹ Cf. Bush and Nettles, *Baptists and the Bible*, 14-15. Brackney, in his denominational history on the Baptists, concludes, “For Baptists, the Bible is the sole font of revelation which speaks to both the intellect and the experience, the church and the individual,” William H. Brackney, *The Baptists, Denominations in America* no. 2 (New York, NY: Greenwood Press, 1988), 36.

¹⁰ McBeth, *The Baptist Heritage*, 62.

century.¹¹ In the interest of understanding the key influences upon early Baptist beliefs about the state, a limited survey of these influences will now be undertaken.

The Reformation and Early Anabaptists

Garrett argues that the early Baptist movement was “powerfully shaped by the Protestant Reformation.”¹² Though Baptists rejected the intermingling of church and state embraced by the magisterial reformers, Garrett notes several specific ways that Baptist thought was influenced by Reformation leaders on the continent. Baptists adopted the supremacy of Scripture, priesthood of all believers, and justification by grace through faith alone from Luther. Other magisterial reformers were influential as well including Zwingli (symbolic interpretation of the Lord’s Supper) and Bucer (“discipline as a mark of the true church”).¹³ Further, English Presbyterianism influenced the movement insofar as the Second London Confession represents a “Baptist revision of the document.”¹⁴

¹¹ Garrett, *Baptist Theology*, 1. In the opening of this work, Garrett traces the origins of, and early influences upon, the fledgling Baptist movement. Among the primary influences, he notes specifically the ecumenical councils, the historic Christian creeds, the church fathers, pre-Reformation sectarian and reforming movements, the magisterial Reformers, continental Anabaptists, and English Separatists and independents. This thesis does not take up the merits of the “successionist” view of Baptist origins, but instead traces the emergence of the Baptist movement beginning with John Smyth in early seventeenth century England. For a brief discussion of the successionist theory, see Torbet, *A History of the Baptists*, 18-19.

¹² Garrett, *Baptist Theology*, 7. Similarly, the nineteenth century Baptist Francis Wayland commented on the Reformation’s influence, “I do not believe that any denomination of Christians exists, which, for so long a period as Baptists, has maintained so invariably the truth of their early confession ... The theological tenets of the Baptists, both in England and America, may be briefly stated as follows: they are emphatically the doctrines of the Reformation, and they have been held with singular unanimity and consistency.” Francis Wayland, as quoted in David S. Dockery, *Southern Baptist Consensus and Renewal: A Biblical, Historical, and Theological Proposal* (Nashville, TN: B & H Academic, 2008), 60. For more on this theme, see Timothy George, “The Reformation Roots of the Baptist Tradition,” *Rev. Expo.* 86 (1989).

¹³ Garrett, *Baptist Theology*, 7.

¹⁴ Garrett, *Baptist Theology*, 7.

In addition to the heritage of the Reformation, the English founders of the Baptist faith were likely influenced to some degree by the thought and experiences of early Anabaptists.¹⁵ Notably, the Anabaptists rejected the idea that the state could serve as judge in spiritual matters and took exception with the Reformers' embrace of an intermingled church and state.¹⁶ Conrad Grebel, a leader among the Swiss Anabaptists, "urged Zwingli to abolish the state church system in the interest of a church of converted believers free from civil authority."¹⁷ But the pleas of Grebel and his followers to eliminate the established church in Switzerland were ultimately rejected, and the group subsequently suffered intense persecution. German Anabaptists also faced persecution due to their religious convictions. Balthasar Hubmaier, an early Anabaptist leader in Germany, was burned at the stake as a heretic. Before his death, Hubmaier wrote a 36-

¹⁵ Garrett, *Baptist Theology*, 9. There has long been fierce debate among scholars concerning the influence of continental Anabaptism on the origins of the English Baptist movement. For a brief discussion on this theme, see William R. Estep, *The Anabaptist Story: An Introduction to Sixteenth-Century Anabaptism*, 3rd ed. (Grand Rapids, MI: William B. Eerdmans, 1996), 271–73. See also the discussion in McBeth, *The Baptist Heritage*, 52–56; Torbet, *A History of the Baptists*, 22–32. For a detailed account of the debate, see Saito Goki, "An Investigation into the Relationships between the Early English Baptists and the Dutch Anabaptists" (Th.D. diss., The Southern Baptist Theological Seminary, 1974). Regardless of the degree of influence, it is clear that Baptist ideas concerning religious freedom were at least *informed* by the significant and often violent religious persecution of Protestants, including Anabaptists, in Europe during the Reformation and post-Reformation era.

¹⁶ For a discussion of the influence of Anabaptist views upon Baptists concerning religious liberty, see Thomas R. White's chapter "The Anabaptists and Religious Liberty" in Malcolm B. Yarnell, ed., *The Anabaptists and Contemporary Baptists: Restoring New Testament Christianity* (Nashville, TN: B & H Academic, 2013), 65-82. Speaking of John Smyth and the Anabaptists, Timothy George said, "Baptist historians have sometimes gone to great lengths to prove that Smyth's theological development was free from Anabaptist influence. Whatever may be said about his acceptance of believer's baptism and his break with Calvinistic theology, this can hardly be made with reference to his view of church and state" Timothy George, "Between Pacifism and Coercion: The English Baptist Doctrine of Religious Toleration," *Mennon. Q. Rev.* 58 (1984): 34-35.

¹⁷ Torbet, *A History of the Baptists*, 23. The Schleithem Confession, written in 1527, remains the best-known doctrinal statement from the Swiss Anabaptist tradition. Though the statement does not address religious liberty, it does address the role of the state and sets forth a number of baptistic elements including believer's baptism. For the confession with a helpful introduction, see John H Yoder, *The Schleithem Confession* (Scottsdale, PA: Herald Press, 1989).

article “plea for religious toleration, entitled ‘Concerning Heretics and Those Who Burn Them.’”¹⁸ Hubmaier’s work was “the first text of the Reformation directed specifically to the topic of liberty of dissent.”¹⁹ Also significant was Hubmaier’s “On the Sword,” which addressed issues of church and state, and—while still maintaining the necessity of separation—offers a more positive view of government than was typical among Anabaptists.²⁰ The Anabaptists’ insistence on separation of ecclesial and civil authority and the idea of a believers’ church, were taken up by early Baptists.²¹

¹⁸ Torbet, *A History of the Baptists*, 23. Hubmaier’s complete works can be found in Balthasar Hubmaier, H. Wayne Pipkin, and John Howard Yoder, *Balthasar Hubmaier, Theologian of Anabaptism*, Classics of the Radical Reformation no. 5 (Walden, NY: Plough Publishing House, 2019).

¹⁹ H. Wayne Pipkin and John Howard Yoder as quoted in Garrett, *Baptist Theology*, 11. For more on early Anabaptists views on religious freedom, see Harold S. Bender, “The Anabaptists and Religious Liberty in the 16th Century,” *Mennon. Q. Rev.* 29 (1955).

²⁰ Hubmaier, Pipkin, and Yoder, *Balthasar Hubmaier, Theologian of Anabaptism*, 514-516. Hubmaier specifically defends the state’s use of force to restrain evil and refers to the officers of the state as servants of God, “for neither the judge nor the executioner kill the evildoer, but the law of God, 2 Chron. 19:6. Therefore the judges, governments, and executors of justice are called servants of God in the Scripture and not murderers, Romans 13:4.” Hubmaier, Pipkin, and Yoder, *Balthasar Hubmaier, Theologian of Anabaptism*, 515. Also in this work, Hubmaier defended the possibility of Christians taking up arms on behalf of the state, a position that later found resonance among Baptists. Menno Simons was also influential among early Anabaptists. His work, *Foundations of Christian Doctrine*, contained a “threefold ‘call to discipleship,’ ‘refutation of Roman Catholicism,’ and ‘appeals for toleration,’ which likely influenced the development of the First London Confession of Particular Baptists (1644).” Garrett, *Baptist Theology*, 12. For an extended discussion of Anabaptist influence, see Glen H. Stassen, “Anabaptist Influence in the Origin of the Particular Baptists,” *Mennon. Q. Rev.* 6.4 (1962).

²¹ Garrett notes four examples of Anabaptist influence upon English Baptists. The first is “believer’s baptism as constitutive of a gathered or truly ordered church.” The second is “church discipline as necessary to the life of the true church.” The third is “the elevation of the New Testament in authority over the Old Testament, especially in matters of ecclesiology.” Finally, the fourth is “the advocacy of religious freedom for all human beings and the absence of persecution.” Garrett also notes four Anabaptist teachings or practices rejected among early English Baptists including, “the Anabaptist teaching that Christians ought not to serve as civil magistrates” due to their use of the sword, “that Christians ought not to be soldiers but rather be nonresistant,” “that Christians ought not to take civil oaths,” and “the Mennonite practice of shunning those who have been excommunicated.”²¹ Garrett, *Baptist Theology*, 13-16.

English Separatists and Independents

Separatists were English Puritans who broke away from the Church of England to form new “congregations or conventicles on the basis of a church covenant and congregational polity” beginning in the sixteenth century.²² Garrett identifies four specific ways that the English Separatists influenced early Baptists. The first is “humanity’s Adamic disability.”²³ The second is the description of “the Bible as the rule of faith and practice.”²⁴ The third is that the “royal priesthood of all Christians seems to have come to the Baptists from Separatism.” Finally, the fourth is “congregational polity.”²⁵

Against this backdrop, having been influenced to varying degrees by each of these streams of the Christian tradition, the Baptist movement emerged in England. In some ways an amalgam of the traditions that preceded it, and in others a novel undertaking, the Baptists, beginning with John Smyth and Thomas Helwys, forged a new Protestant tradition. This new movement would be anchored in the Scriptures and committed to

²² Garrett, *Baptist Theology*, 16. For a history of the English Separatists, see B. R. White, *The English Separatist Tradition: From the Marian Martyrs to the Pilgrim Fathers*, Oxford Theological Monographs (London: Oxford University Press, 1971).

²³ Garrett, *Baptist Theology*, 19. Both the First London Confession of Particular Baptists and the Second London Confession detailed the connections between the fall of Adam and the fall of mankind, with the former confession drawing directly at this point from the confession of the Separatist pastor, Henry Ainsworth. This is significant because Baptists’ understanding of the effects of the fall features prominently in their view of the state, concerning the state’s duty to restrain evil. For the text of the London Confession and the Second London Confession, see Lumpkin and Leonard, *Baptist Confessions of Faith*.

²⁴ Garrett, *Baptist Theology*, 19. Of the Scriptures, the Second London Confession states, “The Holy Scripture is the only sufficient, certain, and infallible rule of all saving Knowledge, Faith, and Obedience,” demonstrating again the influence of Ainsworth’s *A True Confession*, which spoke of the Scriptures as “the rule of this knowledge faith and obedience.”

²⁵ Garrett, *Baptist Theology*, 21. As with the Anabaptists, Garrett also notes four Separatist teachings that were either “rejected or at least not accepted by early English Baptists,” including double predestination, double reconciliation, “some functions of civil magistrates,” and pedobaptism. Regarding the influence of the Separatists among early Baptists Garrett comments, “the earliest Particular Baptists were derived” from the English Independents who “affirmed Dortian Calvinist theology,” “had a more irenic and less hostile attitude toward the Church of England,” and “practiced congregational polity.” Garrett, *Baptist Theology*, 20-22.

religious freedom, rights of conscience, and a believer's church. With this overview of Baptist origins now in place, the views of influential early Baptists in England and North America on the subjects of religious freedom and the state will now be considered.

Early English Baptists

John Smyth

John Smyth pioneered the modern Baptist movement. According to McBeth, Smyth “founded the first identifiable Baptist church of modern times, in Holland, about 1609.”²⁶ Prior to this, he “was educated for the Church of England at Cambridge”²⁷ and ordained as an Anglican priest by the Bishop of London around 1594.²⁸ In his early years, Smyth was described as “a fair specimen of a moderate Puritan,” accepting at the time many practices of the Church of England, especially mild government regulation of religion.²⁹ But Smyth's time as a moderate was not to last. Little more than a decade after his ordination, Smyth had grown disenchanted with the established Church of England and developed views increasingly in line with the Separatist movement.³⁰ As his views

²⁶ McBeth, *The Baptist Heritage*, 32. There is considerable ambiguity concerning the details of Smyth's early life and ministry. For a biographical work on Smyth, see James R. Coggins, *John Smyth's Congregation: English Separatism, Mennonite Influence, and the Elect Nation*, Studies in Anabaptist and Mennonite History no. 32 (Waterloo: Herald Press, 1991). For an account of Smyth and Helwys, see Burgess, *John Smyth the Se-Baptist, Thomas Helwys, and the First Baptist Church in England*. See also, Champlin Burrage, *The Early English Dissenters* (Cambridge: University Press, 1912).

²⁷ Torbet, *A History of the Baptists*, 33.

²⁸ Leon McBeth, *The Baptist Heritage*, 32.

²⁹ McBeth, *The Baptist Heritage*, 32.

³⁰ Hugh Wamble, “Inter-Relations of Seventeenth Century English Baptists,” *Rev. Expo.* 54.3 (1957): 409. As Wamble notes, the Baptist tradition pioneered by Smyth would continue to be marked by its roots in the Separatist tradition. Jason Lee argues that Smyth's theology is best understood in the context of phases as Smyth moved in and out of the Puritan, Separatist, Baptist, and Mennonite Traditions. For more on Smyth's theological development, see Lee, *The Theology of John Smyth*. Thomas Nettles also traces Smyth's theological development in Thomas Nettles, “A Comparative Study of the Historical Stimuli Contributing to the Ecclesiological Views of Francis Johnson, John Smyth, and Roger Williams”

became known, he found trouble over his “sharp criticism of the state church.”³¹ And according to historical records, Smyth was imprisoned for a time due to his “refusal to conform to the teachings and practices of the Church of England.”³²

By 1606, Smyth had returned to his hometown of Gainsborough where he became the leader of a Separatist congregation. Among the group was the future Mayflower voyager, William Bradford, and “the well-to-do laymen, Thomas Helwys.”³³ Given the persistent threat of persecution for nonconformists, the congregation soon split in two with Bradford and others forming a separate congregation from the group of Smyth and Helwys. In 1608, Smyth led his congregation to relocate to Amsterdam after suffering harassment from the government of King James I. It was at this time that Smyth and his congregation “adopted believer’s baptism and became Baptists.”³⁴

Smyth’s adoption of views favoring the separation of church and state were particularly radical. Concerning the magistrate, Smyth had previously argued that it was the role of the magistrate—or officer of the state—to establish proper worship, “God’s

(Ph.D. diss., Southwestern Baptist Theological Seminary, 1976). Nettles also classifies Smyth’s development in four stages: Anglican, Puritan, Separatist, and Anabaptist.

³¹ McBeth, *The Baptist Heritage*, 32. Smyth’s trouble with the state church was driven by his budding Baptist ecclesiology. As Smyth recorded in his 1609 confession, “the church of Christ is a company of the faithful.” Lumpkin, *Confessions*, 95. This emphasis on a believer’s church was essential to Smyth’s views on the role of the magistrate.

³² McBeth, *The Baptist Heritage*, 32. For more on Smyth and his imprisonment, see James E. Tull, *Shapers of Baptist Thought*, ROSE 8 (Macon, GA: Mercer University Press, 1984), 9.

³³ McBeth, *The Baptist Heritage*, 33.

³⁴ McBeth, *The Baptist Heritage*, 34–35. Baptism by immersion was not practiced among modern Baptists before 1640. Particular Baptists were the first to recover baptism by immersion, beginning the practice around 1640–41. By roughly 1660, General Baptists had also embraced immersion as the proper mode of baptism. It is difficult to overstate the radical nature of Smyth’s theological shift toward Baptist beliefs. As McBeth argues, “When Smyth and Helwys and their little band left England around 1607, they formed their church on the basis of an Old Testament covenant, argued for some degree of government control of religion, and made no provision for believer’s baptism. Within two years they had changed on all these points, and Smyth had founded a church based on the baptism of professed believers.”³⁴

Kingdome is erected and set up generally and specifically: generally when it is entertained by publike consent in a countrie or Kingdome; and that is when the Magistrate by law doth establish the worship of God according to the word.” Moreover, Smyth contended that a godly magistrate would maintain appropriate worship by force, “godly Magistrates doe erect and maintaine the faith and true religion by the sword.”³⁵ Such words typified the views of his contemporaries ministering in the Church of England, which not only countenanced but viewed as instrumental the establishment of proper religious beliefs through the action and authority of the state. By 1610, Smyth had renounced these views. That year, he signed a Mennonite confession which stated “the office of the worldly authority the Lord Jesus hath not ordained in his spiritual kingdom, the church of the New Testament, nor adjoined to the offices of his church.”³⁶

Whereas Smyth had once seen the essence of true Christianity as being directly tied to the state’s enforcement of religion, he later argued the two realms of authority should remain entirely distinct. Soon after signing the Mennonite confession, Smyth penned his own, which said of civil magistrates:

That the magistrate is not by virtue of his office to meddle with religion, or matters of conscience, to force or compel men to this or that form of religion, or doctrine: but to leave Christian religion free, to every man’s conscience, and to handle only civil transgression (Rom. xiii), injuries and wrongs of man against man, in murder, adultery, theft, etc., for Christ only is the king, and lawgiver of the church and conscience (James iv. 12).³⁷

³⁵ William T. Whitley, ed., *The Works of John Smyth* (Cambridge: University Press, 1915), 1:159-161.

³⁶ McBeth, *The Baptist Heritage*, 102.

³⁷ Lumpkin and Leonard, *Baptist Confessions of Faith*, 128. The quote is from Smyth’s confession, Propositions and Conclusions, which he drafted prior to his death. The final version was completed by Smyth’s followers who remained with him at Amsterdam and were seeking admission among the Mennonites. It is noteworthy as “perhaps the first confession of faith of modern times to demand

Several points can be drawn from Smyth's statement on the magistrate. First, while he fails to extend his calls for religious freedom beyond the Christian religion, it is significant that Smyth sees both the freedom of religion and the freedom of conscience as being linked together. This is important as later Baptists have continued to argue for these beliefs in tandem.³⁸ Second, Smyth goes beyond calling for the state to refrain from attempting to establish religious belief or practice; he explicitly limits the role of the state by insisting the state enforce only those matters pertaining to the civil realm—in his words, “man against man.” Finally, notice that Smyth also grounds these arguments upon the Scriptures. For Smyth, the Bible necessarily limits the state's authority because of Christ's role as head—“only king, and lawgiver”—of the church and Lord over the conscience.³⁹

More than anything else, Smyth sought a pure church.⁴⁰ His pursuit of a pure church is central to his defense of religious freedom. Like later Baptists, he “accepted the rightful authority of government in civil matters but would not allow the government to determine or regulate their relationship to God.”⁴¹ Smyth, as a religious dissenter

freedom of conscience and separation of church and state.” Lumpkin and Leonard, *Baptist Confessions of Faith*, 115. General Baptists in England continued to refer to Smyth's confession until at least 1651.

³⁸ For a discussion on this point, see Canipe, *A Baptist Democracy*, 17-21. Though Canipe stresses the degree to which the use of “conscience” shifted considerably over time, it is not the case that “conscience” has lost the core of its previous meaning. As Canipe suggests, conscience has historically referred to one's God-given ability to discern right from wrong, but despite the fact that the word is used more expansively today, modern appeals to rights of conscience continue to address a person's ability to live according to what they hold as true and believe to be right. In this manner, the integrity of the word remains intact.

³⁹ It is worth noting that both Smyth's Christology and ecclesiology feature prominently in his beliefs about religious freedom.

⁴⁰ McBeth, *The Baptist Heritage*, 35. Smyth's adoption of believer's baptism is a critical sign of this, which he explained in *The Character of the Beast, or the False Constitution of the Church*, William T. Whitley, ed., *The Works of John Smyth* (Cambridge: University Press, 1915), 2:564-574.

⁴¹ McBeth, *The Baptist Heritage*, 102.

committed to a believer's church, saw no place for government to coerce a person to conform to any set of religious beliefs or practices prescribed by the state. Despite his intention to join the Mennonites in Holland before his death in 1612, Smyth's beliefs on the role of the state established a critical foundation for later Baptists concerning religious liberty and the separation of church and state. And though he never argued for religious freedom for non-Christians, he forcefully rejected the state's authority over the conscience and the idea of an established church.

Thomas Helwys

Thomas Helwys was also a staunch advocate of religious freedom. As a member of the congregation at Gainsborough, Helwys originally made the move to Amsterdam as a part of Smyth's delegation. But Smyth's later efforts to lead the group to seek acceptance among the Mennonites in Holland resulted in Helwys, along with a small contingent of the congregation, breaking away from Smyth's group and returning to London. From his experience in Holland, Helwys produced a confession of faith containing twenty-seven articles, *A Declaration of Faith of English People Remaining at Amsterdam in Holland*⁴², which is recognized as the "first true English Baptist confession of faith."⁴³ The confession demonstrated Helwys' rejection of many Mennonite beliefs. Of particular interest is Helwys' twenty-fourth article on the role of magistrates in which he echoes and expands upon the positions of Smyth quoted above:

That Magistracy is a Holy ordinance of GOD, that every soul ought to be subject to it not for fear only, but for conscience sake. Magistrates are the ministers of GOD for our wealth, they bear not the sword for naught. They

⁴² Lumpkin and Leonard, *Baptist Confessions of Faith*, 106.

⁴³ Helwys, *The Life and Writings of Thomas Helwys*, 29.

are the ministers of GOD to take vengeance on them that do evil, (Romans 13). That it is a fearful sin to speak evil of them that are in [authority], and to despise Government. (2 Peter 2:10). We ought to pay tribute, custom and all other duties. That we are to pray for them, for GOD would have them saved and come to the knowledge of his truth. (1 Timothy 2:1:4). And therefore they may be members of the Church of CHRIST, retaining their Magistracy, for no Holy Ordinance of GOD debars any from being a member of CHRIST'S [sic] Church. They bear the sword of GOD, — which sword in all Lawful administrations is to be defended and supported by the servants of GOD that are under their Government with their lives and all that they have according as in the first Institution of that Holy Ordinance. And whosoever holds otherwise must hold, (if they understand themselves) that they are the ministers of the devil, and therefore not to be prayed for nor approved in any of their administrations, — seeing all things they do (as punishing offenders and defending their countries, state, and persons by the sword) is unlawful.⁴⁴

In this statement on the magistrate, Helwys builds upon Smyth's more positive view of government, clearly distinguishing the early Baptist view from that of the Anabaptist Mennonites in Amsterdam. Citing Romans 13, Helwys argued that Christians should be bound by conscience to render obedience to the state because magistrates are not merely officers of the state but ministers of God. Helwys insisted that magistrates may rightly belong to the church and argued that believers should pray for magistrates and for their salvation. And as witnessed in the quote above, Helwys acknowledged Christians have a duty to obey the state, insisting that failure to support or obey the work of the magistrate actually constitutes evil because the governing authorities are established by God.

Upon his return to England around 1611, Helwys and those returning with him established in Spitalfield, "the first Baptist church on English soil."⁴⁵ They continued the

⁴⁴ Lumpkin and Leonard, *Baptist Confessions of Faith*, 113. As Lumpkin notes, Helwys demonstrates the influence of Smyth by adopting Smyth's words from *The Character of the Beast* to form the basis of this article on the magistrate. The section on magistrates being members of the church, however, was unique to Helwys.

⁴⁵ McBeth, *The Baptist Heritage*, 38.

Baptist practices originally adopted in Amsterdam, namely the baptism of believers only. The following year, Helwys published the work for which he is best remembered, *A Short Declaration on the Mystery of Iniquity*.⁴⁶ The declaration directly attacked the Church of England and “made the first appeal in England for complete religious liberty for Christians and non-Christians.”⁴⁷ Beyond defending various sects of Protestantism or even Christianity, Helwys specifically called for religious freedom for Jews, Muslims, and even known heretics. His convictions concerning the separation of the realms of civil government and spiritual authority are seen in this passage:

... for we do freely profess, that our lord King has no more power over their consciences than over ours, and that is none at all: for our lord the King is but an earthly King, and he has no authority as a king but in earthly causes, and if the King’s people be obedient and true subjects, obeying all humane laws made by the King, our lord the King can require no more: for men’s religion to God is between God and themselves; the King shall not answer for it, neither may the King be judged between God and man. Let them be heretics, Turks, Jews or whatsoever, it appertains not to the earthy power to punish them in the least.⁴⁸

The Mystery of Iniquity challenged the authority of the monarch over spiritual matters.

Like Smyth, Helwys insisted a man’s conscience can be bound only by God. From his words seen above, a clearer picture of the Baptist view of government begins to emerge.

He delineates lines of authority between that which is earthly or human and that which is

⁴⁶ Thomas Helwys, *A Short Declaration on the Mystery of Iniquity*, ed. Richard Groves (Macon, GA: Mercer University Press, 1998). The gravity of Helwys’ stance should not be overlooked. As Early explains: “Never before had someone dared to stand up to the English monarchy and the established church in such a manner. He insisted that the crown had no business attempting to impose its religious convictions on anyone. He believed that the king could make civil law but that he had no authority over man’s relationship to his God. He also believed that the church and the state were separate spheres with neither having the right to force its will on the other. Helwys paid for his convictions with his life.” Helwys, *The Life and Writings of Thomas Helwys*, 50.

⁴⁷ Helwys, *The Life and Writings of Thomas Helwys*, 50.

⁴⁸ Helwys, *The Life and Writings of Thomas Helwys*, 50.

spiritual and religious. He argues the king retains full authority to decide matters pertaining to the civil realm and to establish “human” laws. But concerning what pertains to religion, he insists that all men must remain free to answer only to God, because religion “is between God and themselves.” Yet, unlike Smyth, Helwys appeals for this freedom of religion and conscience for all people, regardless of their religious beliefs.

Seeking to promote further the cause of religious liberty, Helwys sent a copy of the volume to King James I. As Early notes, in writing the work Helwys wished to demonstrate that he continued to be “a loyal Englishmen and a supporter of the monarchy.”⁴⁹ To that end, he spoke of James’ reign as one established by God and endowed with great authority:

Let it suffice our lord the king and let it not seem a small thing, that the God of Gods has made our lord the king a mighty earthly king over divers nations and has given our lord the King an earthly power to make laws and ordinances (such as the king in his own wisdom will think best, and to change them and alter them at his own pleasure) to rule and govern his own people by, and to appoint governors and officers to execute the king’s will. All of the King’s people are bound of conscience to God and duty to the king to obey the king with their goods, bodies, and lives in all service of peace and war. Whosoever will resist the king herein: they resist the ordinance of God and will receive judgement from God, besides the punishment with the sword of justice which God has given to the king to punish evildoers that transgress the king’s laws. God has also honored the king with titles and names and of majesty ... and has commanded honor be given to the king ... God has commanded all his people specifically to pray for the king....Let this kingdom, power and honor fully satisfy our lord the king’s heart, and *let it suffice the king to have rule over the people’s bodies and goods.*⁵⁰

In his address to the king, Helwys offers even more clarity concerning his view of the state. He describes the greatness of the king’s authority in his statement that “all people

⁴⁹ Helwys, *The Life and Writings of Thomas Helwys*, 43.

⁵⁰ Helwys, *A Short Declaration on the Mystery of Iniquity*, 45. (emphasis mine).

are bound of conscience to God and duty to the king to obey the king with their goods, bodies, and lives in all service of peace and war.” Yet it is evident Helwys sees a clear division between these lines of authority. The king has charge over the bodies, possessions, and service of his subjects, but not their consciences nor their religion.

Despite these efforts to praise and placate the king, James received Helwys’ work as both an insult and declaration of treason. Whereas James had once asserted that “Kings are justly called Gods” and was a fervent exponent of the divine right of kings theory, Helwys strongly dissented from these views.⁵¹ It is believed an inscription in the copy of *The Mystery of Iniquity* delivered to the king contained the following words: “the King is a mortal man and not God, therefore he has no power over the immortal souls of his subjects to make laws and ordinances for them and to set spiritual lords over them.” The inscription also contained a warning for the monarch, “O King, do not be seduced by deceivers to sin so against God ...”⁵² As a result of these efforts, Helwys was imprisoned for his religious dissent and died in New Gate Prison in 1616. Through his writing, Helwys advanced many of the key elements of a Baptist view of the state, including the legitimacy and purpose of government, the Christian’s duty to obey governing authorities, the role of the conscience, and the necessity of separation.

⁵¹ Helwys, *The Life and Writings of Thomas Helwys*, 44; For more on divine right, see chapter three of this thesis. For more on James I’s understanding and defense of divine right, see W. H. Greenleaf, “James I and the Divine Right of Kings,” *Polit. Stud.* 5.1 (1957): 36–48. See also, Hugh Wamble, “Baptist Contributions to Separation of Church and State,” *Baptist Hist. Herit.* 20.3 (1985): 10.

⁵² Helwys, *The Life and Writings of Thomas Helwys*, 43.

Leonard Busher

Following Helwys, multiple Baptists arose from the church in Spitalfield to defend the cause of religious liberty. Leonard Busher was a lay member of Helwys' English congregation and a fierce proponent of religious freedom. According to McBeth, Busher's 1614 work, *Religion's Peace: A Plea for Liberty of Conscience*, was the "earliest Baptist treatise devoted exclusively to religious liberty."⁵³ In that work, Busher advanced an argument in support of religious freedom "on the grounds of Scripture, logic, and history."⁵⁴ Standing at the center of the book are Busher's sixteen reasons against religious persecution, wherein he argues "persecution for difference in religion is a monstrous and cruel beast, that destroyeth both prince and people, hindreth the gospel of Christ, and scattereth his disciples that witness and profess his name."⁵⁵

Busher clearly believed that Christians must "not force one another to religion."⁵⁶ Emphatically he asserted in *Religion's Peace*, "It is not only unmerciful but unnatural and abominable; yea monstrous for one Christian to vex and destroy another for difference and questions of religion."⁵⁷ Busher was motivated by his firm belief that faith can arise by no means other than the genuine work of the Spirit, "And as kings and bishops cannot command the wind, so they cannot command faith ... You may force men to church

⁵³ McBeth, *The Baptist Heritage*, 104.

⁵⁴ McBeth, *The Baptist Heritage*, 104.

⁵⁵ McBeth, *A Sourcebook for Baptist Heritage*, 72. Busher argued for religious freedom on multiple grounds. Among his many points, Busher argued that God had not ordained persecution, defended rights of conscience, called for persuasion instead of coercion, claimed persecution produced false converts, and insisted persecution at the hands of Christian governments encouraged persecution of Christians at the hands of Turks and Pagans. Notably, it was Busher who first described coerced religion as spiritual rape, a theme that was later seized upon by Roger Williams in his famous work, *The Bloody Tenent*.

⁵⁶ Stephen A Smith, *Freedom of Religion: Foundational Documents and Historical Arguments* (Fayetteville, AR: Oxbridge, 2017), 71.

⁵⁷ McBeth, *A Sourcebook for Baptist Heritage*, 74.

against their consciences, but they will believe as they did afore.”⁵⁸ And on the role of the magistrate, Busher also argued for separation between civil and ecclesial authority on the basis of their distinct responsibilities, “Kings and magistrates are to rule temporal affairs by the swords of their temporal kingdoms, and bishops and ministers are to rule spiritual affairs by the word and Spirit of God.”⁵⁹ Following the arguments of Smyth and Helwys, Busher asserted that the church and the state must not “intermeddle with one another’s authority, office, and function.”⁶⁰ Busher’s understanding reflected the developing Baptist perspective: church and state must remain separate because they have distinct lines of authority with distinct functions and officers.

John Murton

John Murton was originally a part of Smyth’s congregation in Gainsborough. He followed Smyth to Amsterdam where Murton embraced Baptist views, but he elected to return to England with Helwys instead of seeking acceptance among the Mennonites. As Helwys established the first Baptist church in England, Murton served as his primary assistant and “chief helper.”⁶¹ When Helwys was imprisoned, Murton assumed the burden of leading the congregation in Spitalfield.

Murton suffered extensive persecution on account of his religious convictions. He was imprisoned in New Gate due to his Baptist beliefs. From prison, he continued the work of shepherding his congregation through his writing, including “two significant

⁵⁸ McBeth, *A Sourcebook for Baptist Heritage*, 73.

⁵⁹ Smith, *Freedom of Religion*, 70.

⁶⁰ Smith, *Freedom of Religion*, 70.

⁶¹ McBeth, *The Baptist Heritage*, 105.

treatises on religious liberty.”⁶² Within the pages of his 1615 work, *Objections Answered by Way of Dialogue*, Murton condemned religious persecution. He wrote, “No man ought to be persecuted for his religion, be it true or false, so they testify their faithful allegiance to the king.”⁶³ He believed religion should be free and uncoerced, making the clear distinction between allegiance to civil government and allegiance to God. Further, Murton argued obedience to civil authorities should never infringe upon obedience to God, “how heinous it is in the sight of the Lord to force men and women by cruel persecution to bring their bodies to a worship whereunto they cannot bring their spirits.”⁶⁴

Concerning the authority of civil government, Murton insisted that Baptists, “do unfeigningly acknowledge the authority of earthly magistrates, God’s blessed ordinance, and that all earthly authority and command appertaines unto them.”⁶⁵ Yet Murton emphatically resisted the idea that the role of the magistrate extended into the spiritual realm. His words on this theme are significant. On the magistrate’s earthly authority, Murton wrote, “let them command what they will, we must obey, either to do or to suffer upon pain of God’s displeasure, besides their punishment.” But concerning spiritual matters, Murton insisted it belongs to God alone to act as “lord and lawgiver to the soul.”⁶⁶ He urged that the state not lay claim to the religious obedience of its subjects as though it were obedience to God. In 1620, he published a second volume on religious freedom, *A Most Humble Supplication of Many of the King’s Majesty’s Loyal Subjects*,

⁶² McBeth, *The Baptist Heritage*, 39.

⁶³ McBeth, *The Baptist Heritage*, 105. This work subsequently underwent revision and was re-titled, *Persecution for Religion Judged and Condemned*.

⁶⁴ John Murton, *Persecution for Religion Judged and Condemned* (London: Wightman & Cramp, 1827), 9.

⁶⁵ Murton, *Persecution for Religion Judged and Condemned*, 13.

⁶⁶ Murton, *Persecution for Religion Judged and Condemned*, 13.

which articulated much of the same argument in *Objections Answered* in a more accessible manner. Of note in that work are Murton's comments about the magistrate's authority over the conscience, "Far be it from you to sit in the consciences of men, to be lawgiver and judge therein."⁶⁷

Early English Baptists and Religious Liberty

The English Baptist pioneers suffered a great deal due to their religious convictions. Smyth, Helwys, and Murton each endured imprisonment, yet their labors established the beginnings of the General Baptist tradition in England. In the face of fierce opposition, they forged a foundation from which the Baptist movement would continue to grow.

Their central concerns became distinctives of the Baptist faith which were refined and defended by subsequent generations of Baptists in England and North America.⁶⁸

Because of the leadership of Helwys, Busher, and Murton among Baptists in England, by 1626 five Baptist congregations had been established there with a total of at least 150 congregants.⁶⁹

⁶⁷ Murton, *Persecution for Religion Judged and Condemned*, 81. Murton's *A Humble Supplication* is appended to this volume. Defending religious freedom on the grounds of soteriology, Murton wrote, "they cannot compel any to worship, because they cannot give them faith; for which cause the Lord in wisdom saw it not meet to charge kings with a duty which they cannot perform, God will never require it at their hands: the blood of the faithless and unbelieving shall be on their own heads." Murton, *Persecution for Religion Judged and Condemned*, 80.

⁶⁸ Edward Barber, a Baptist merchant in London, was imprisoned in 1641 for refusing tithes and denying infant baptism. His imprisonment for his beliefs inspired him to write a petition to the king arguing for religious freedom on the grounds that "more people would accept Christianity under freedom than under coercion.". Barber's petition was entitled, *To the King's Majesty: The Petition of Many of His Subjects, Some of Which Having Beene Miserably Persecuted*. Some early General Baptists, however, such as Christopher Blackwood and John Tombes continued to defend religious freedom but offered much more qualified arguments against the incursion of government authority. Still, even these Baptists advanced arguments against coercion of conscience. Others such as Henry Denne continued to advance the cause of complete religious freedom, defending the rights of Catholics and Quakers who were often despised and severely persecuted in seventeenth century England. McBeth, *The Baptist Heritage*, 108–9.

⁶⁹ Torbet, *A History of the Baptists*, 40.

Particular Baptists in England

The Particular Baptist tradition was established in England sometime between 1633–1638.⁷⁰ In 1644 seven Particular Baptist churches composed the First London Confession. The Confession contained fifty-three articles including seven articles on the state and the conscience, which defended positions on religious freedom largely in line with those articulated by Helwys, Busher, and Murton.⁷¹ Its signatories included well-known leaders among the Particular Baptists such as John Spilsbury, William Kiffin, Hanserd Knollys, and Samuel Richardson.⁷² As Garrett summarizes the confession's conclusions on the state, "The civil magistracy is divinely ordained and to be obeyed. King and Parliament ought to be obeyed in all civil laws, but not in ecclesiastical laws." Concerning the conscience, the penultimate article of the confession reads, "we desire to give God that which is God's, and unto Ceasor [sic] that which is Ceasor's, and unto all men that which belongs unto them, endeavoring ourselves to have always a clear

⁷⁰ McBeth, *The Baptist Heritage*, 44. Concerning the emergence of the Particular Baptists Torbet remarks, "Particular Baptists had no connection with continental Anabaptists. Instead, they represented a further step in the movement of English Independency (Congregationalism) towards its logical conclusion in believer's baptism.... Their antecedents are to be found in a non-Separatist or Independent congregation which had been organized in 1616 at Southwark, London, by Henry Jacob." Torbet, *A History of the Baptists*, 40–41. See also, Wamble, "Inter-Relations of Seventeenth Century English Baptists."

⁷¹ It is worth noting that Particular Baptists were generally more favorable toward civil government from the outset than were the General Baptists. As McBeth states, "Many General Baptists refused to take oaths of political loyalty, to bear arms, or to allow government officials to hold membership in their churches." Such positions likely reflect the views of Dutch Anabaptists that influenced the founders of the General Baptist tradition. Particular Baptists, however, "followed their Calvinistic heritage in giving value to political loyalty and patriotic participation in civil affairs." McBeth, *The Baptist Heritage*, 83.

⁷² Cf. Garrett, *Baptist Theology*, 53. See also, Torbet, *A History of the Baptists*, 42. Other prominent Particular Baptists in the seventeenth century included John Bunyan and Benjamin Keach. Bunyan is best known for his immensely popular work, *The Pilgrim's Progress*. Because he was a nonconformist, Bunyan was once imprisoned for twelve years due to his refusal to cease preaching. Due to his popularity, Bunyan is perhaps the best-known example of early Baptists suffering religious persecution in England. For more, see John Bunyan, *Grace Abounding to the Chief of Sinners* (Edinburgh; Carlisle, PA: The Banner of Truth Trust, 2018).

conscience void of offense towards God, and towards man.”⁷³ The confession clearly encourages submission and obedience to civil authority. Yet it is also clear about the role of dissent should the state overstep its authority to compel obedience in spiritual matters.⁷⁴

Later, in 1677 the Particular Baptists drafted a new confession based significantly on the “Presbyterian-shaped Westminster Confession” of 1647.⁷⁵ That document, known as the Second London Confession, though more robust and decidedly more Calvinistic was substantially aligned with the 1644 London Confession concerning conscience and the state. There were, however, two doctrines dissenting specifically from Anabaptist beliefs in the Second London Confession. First, the confession affirmed the biblical justification for lawful oaths. Second, in addition to affirming that the role of magistrate as ordained by God and that Christians may serve as magistrates, the confession affirmed that “Christians may also engage in military service in ‘just and necessary’ wars.”⁷⁶ By the end of the seventeenth century, both General and Particular Baptists embraced similar views on the role of the state, religious liberty, and rights of conscience.

⁷³ Garrett, *Baptist Theology*, 56.

⁷⁴ As it states, “But if any man shall impose upon us anything that we see not to be commanded by our Lord Jesus Christ, we should in His strength, rather embrace all reproaches and tortures of men, to be stript of all outward comforts, and if it were possible, to die a thousand deaths, rather than to do anything against the least tittle of the truth of God, or against the light of our own consciences.” Lumpkin and Leonard, *Baptist Confessions of Faith*, 159.

⁷⁵ Garrett, *Baptist Theology*, 72. For more, see Lumpkin and Leonard, *Baptist Confessions of Faith*, 218. One of the most significant points of divergence between the Second London Confession and the Westminster Confession concerns the role of civil magistrates in suppressing heresies and maintaining peace in the realm of religion.

⁷⁶ Garrett, *Baptist Theology*, 72.

Early American Baptists

Roger Williams

In the United States today, the name most often associated with Baptists and religious freedom is Roger Williams. This is fitting because as Garrett notes, “Baptist theology in the colonies had its beginning in New England in the life and writings of Roger Williams.”⁷⁷ Williams may not have been the first convinced Baptist in America, but he was responsible for the founding of the first Baptist church in America. An exile from the Puritan government of the Massachusetts Bay Colony, Williams led a small congregation to establish a Baptist church in Providence, Rhode Island in early 1639.⁷⁸ Though his time as both a Baptist and a member of that congregation lasted for only a few months, Williams continued to hold many Baptist views until the time of his death.⁷⁹ More important, however, is Williams’s legacy concerning religious liberty. It was Williams’ understanding of religious liberty and the separation of church and state that shaped, substantially, not only the Baptist tradition but the American tradition concerning the role of religion in public life.⁸⁰

Williams was born in London around 1603. The son of an English merchant, he was reared in the Church of England. The course of his life was significantly altered

⁷⁷ Garrett, *Baptist Theology*, 109. For more resources on Williams’ life and thought, see Edwin S. Gaustad, *Roger Williams, Lives and Legacies* (Oxford: Oxford University Press, 2005); John M. Barry, *Roger Williams and the Creation of the American Soul: Church, State, and the Birth of Liberty* (New York, NY: Viking, 2012); Edmund S. Morgan, *Roger Williams: The Church and the State* (New York, NY: W.W. Norton, 2007). For a reader of Williams’ work on church and state, see Roger Williams and James Calvin Davis, *On Religious Liberty: Selections from the Works of Roger Williams*, The John Harvard Library (Cambridge, MA: Belknap Press of Harvard University Press, 2008).

⁷⁸ Cf. McBeth 124.

⁷⁹ Garrett, *Baptist Theology*, 110.

⁸⁰ Cf. Dawson, *Baptists and the American Republic*, 15–45.

when as a teenager he caught the attention of Sir Edward Coke, who was then “chief justice of the King’s Bench and one of the leading jurists in England.”⁸¹ Coke took notice of Williams’ unusual talent for capturing spoken words using shorthand. He subsequently became a significant benefactor for Williams, providing for his education and bringing Williams into his employ. That experience “proved invaluable later when [Williams] sought a charter for Providence Plantations.” The experience with Coke also shaped Williams’s views of religious freedom, “In Coke’s office, young Williams witnessed trials before the Star Chamber, many of which involved religion. There he became acutely aware of the legal risks and sufferings of religious dissenters and perhaps learned something of their teachings as well.”⁸²

Williams graduated from Cambridge in 1627 and was ordained in the Church of England. But by 1629 he had become a “rigid Separatist.”⁸³ During this time, King Charles I—the second son and successor of James I—had endorsed Archbishop Laud’s efforts to punish religious dissenters and “force conformity upon the church.”⁸⁴ To stamp out nonconformists, Laud began interrogating Puritan clergy, costing many their livelihoods as they were removed from the ministry. For others, Laud’s efforts resulted in imprisonment and sometimes “heinous physical mutilation.”⁸⁵ Late the following year, after Williams “received a warning that Laud and the High Commission were about to

⁸¹ McBeth, *The Baptist Heritage*, 124. Williams’ providential encounter with Coke inestimably altered the trajectory of the life of the future American Baptist pioneer.

⁸² McBeth, *The Baptist Heritage*, 124.

⁸³ McBeth, *The Baptist Heritage*, 126.

⁸⁴ Barry, *Roger Williams and the Creation of the American Soul*, 140.

⁸⁵ Barry, *Roger Williams and the Creation of the American Soul*, 141. For more on the persecution under Archbishop Laud and the interplay between religion and the state in early modern England, see Leo F. Solt, *Church and State in Early Modern England, 1509-1640* (New York, NY: Oxford University Press, 1990).

turn their attentions to him,” he and his wife, Mary, rather than risking a confrontation with Laud, boarded a ship bound for New England. Significantly, it was religious persecution that helped turn Williams against the idea of an established church.⁸⁶

Upon his arrival in Boston, Williams was met with a warm reception and was quickly offered the pastorate of the Boston church.⁸⁷ Despite the Boston church’s unanimous choice of Williams and its standing as perhaps the most prestigious pastorate in America at that time, Williams rather indecorously declined the invitation on account of his strong separatist views. A letter he wrote to John Cotton Jr. explained that he refused the position “because I durst not officiate to an unseparated people, as upon examination and conference I found them to be.”⁸⁸ By the spring of 1631, Williams had accepted the pastorate of the church in Salem, north of Boston. Deeply offended, members of the Boston church applied great pressure against Salem. Eventually, this pressure caused Williams to withdraw from Salem to Plymouth, where he became an assistant pastor. In Plymouth, Williams was initially well received and worked diligently in preaching, farming, and trading with Indians.⁸⁹

Williams’s views on theological matters continued to evolve during his two years in Plymouth. He eventually left the church and returned to Salem in 1633, where

⁸⁶ Reflecting on the terrible threat of persecution, Williams later wrote to Coke’s daughter, “It was bitter as death to me when Bishop Laud pursued me out of this land, and my conscience was persuaded against the national church and ceremonies and bishops.” McBeth, *The Baptist Heritage*, 126.

⁸⁷ The Puritan Governor John Winthrop received Williams in Boston and found the young Williams to be “godly and zealous.” James Kendall Hosmer, *Winthrop’s Journal: History of New England 1630-1649* (United States: Barnes & Noble, 1966), 57.

⁸⁸ S.L. Caldwell, “Roger Williams as an Author,” *Baptist Q.* 6 (1872): 395.

⁸⁹ Williams views and relationships with Native American peoples partially account for the hostility and struggles Williams experienced while in the Massachusetts colony. For more, see, James A. Warren, *God, War, and Providence: The Epic Struggle of Roger Williams and the Narragansett Indians against the Puritans of New England* (New York, NY: Scribner, 2018).

Williams continued “developing his views further in the direction of religious independency and political democracy.”⁹⁰ But Williams time in Massachusetts was coming to an end. In 1635 he “was cited once more before the Boston court to answer for teachings which the authorities found objectionable.” The court brought four charges concerning concepts that Williams acknowledged teaching, the fourth of which was Williams’s insistence that “the Civil Magistrates power extends only to the Bodies and Goods, and outward State of men.”⁹¹ Clearly guilty of the charges, Williams was ordered to depart from the colony. Yet by the summer of 1636, he and a small number of followers had established a compact forming “the nucleus of Providence Plantations,” just outside of the jurisdiction of the Massachusetts colony. From the outset, the colony in Providence was marked by the features for which Williams is remembered today, “democracy, religious liberty, and separation of church and state.”⁹²

Williams did not officially become a Baptist until 1639, when he and a small band of others established a Baptist church at Providence. Even then, he officially remained a Baptist for only a few months—spending the remainder of his life committed to Baptist principles but unmoored from any church or practice. Still, despite his political and

⁹⁰ McBeth, *The Baptist Heritage*, 128. Alan Simpson has called into question Williams’ commitment to democratic views, “So far as the political order was concerned, Williams had really only one revolutionary statement to make. He denied that the state had any responsibility for the only form of life which has absolute importance—the life of the soul—and he set himself the infinitely difficult task of convincing his contemporaries that this was consistent with Scripture, reason, and experience,” Alan Simpson, “How Democratic Was Roger Williams,” *William Mary Q.* 13.1 (1956): 55. Simpson’s view chastens those who would see Williams as an articulate defender of Western-style democracy, such as James E. Ernst, *Roger Williams: New England Firebrand* (New York, NY: The MacMillan Company, 1932). But as Barry argues, Williams’ work in establishing the colony at Rhode Island provides clear evidence of his favorable disposition toward democracy. On this theme, see Barry, *Roger Williams and the Creation of the American Soul*, 334.

⁹¹ McBeth, *The Baptist Heritage*, 128-129.

⁹² McBeth, *The Baptist Heritage*, 129-130.

theological sojourning, Williams proved to be among the most significant religious and political figures in early American history. His beliefs left an indelible mark on the Baptist tradition and exercised profound influence over the development of religious liberty as a political doctrine in America.

Regarding Williams' beliefs about church and state, three key elements should be noted. The first is Williams' fierce advocacy of "religious liberty for all."⁹³ Though it is often assumed that settlers of the New World came in pursuit of religious freedom, such was hardly the reality. Winthrop and the colonists in Massachusetts certainly did not. The Puritan settlers of New England sailed to the New World to escape religious persecution but—as Williams' experience illustrates—these Christians continued to expect religious conformity, albeit to the standards of the Puritan settlers' "purified" church. Religious freedom may be assumed in the United States today, but Williams' advocacy for religious liberty was nothing short of radical in its time. His best-known works, *The Bloody Tenent of Persecution* (1644) and *The Bloody Tenent Yet More Bloody* (1652) were dedicated to the defense of religious liberty.⁹⁴

Though *The Bloody Tenent* shows obvious signs of haste—Williams composed the work while in England to secure an official charter for the colony at Rhode Island—it was immediately received as an immense, highly significant work of both theology and political philosophy. Calling for "true freedom of religion and absolute separation of church and state," Williams set forth a comprehensive treatise in defense of these

⁹³ McBeth, *The Baptist Heritage*, 133. I am indebted to McBeth for this three-fold classification of Williams' contributions.

⁹⁴ Of the two works, it was the former that is remembered as one of most important treatises on religious freedom of all time.

concepts and presented arguments supporting “the freedom of thought, political freedom, and the foundation of democracy.”⁹⁵ Echoing the language of Helwys, Williams argued the authority of the magistrate was limited to the “[b]odies and goods” of those in their charge and like Busher insisted that the compelled worship represented nothing less than soul rape.⁹⁶ In defense of the conscience, Williams wrote “since the coming of the Sonne [sic] the Lord Jesus, a permission of the most Paganish, Jewish, Turkish, or Antichristian consciences and worships, bee granted in all Nations and Countries.”⁹⁷ He also addressed various aspects of religious toleration including its religious, political, and economic implications, but the majority of the volume is dedicated to exploring these themes in Scripture. Though Williams called upon both reason and experience in constructing his arguments, he took great pains to allow the Scriptures to speak for themselves. In passage after passage, he demonstrated that the spiritual and civil realm are distinct and that many of the Scriptures so often quoted in defense of the state’s meddling in the affairs of the church had been misinterpreted and misapplied. Williams argued that the implementation of religion by the state was “directly contrary to the nature of Christ.”⁹⁸

The second key element of Williams’ thought is his articulation of the separation of church and state. For Williams, separation was necessary for free men to live and

⁹⁵ Barry, *Roger Williams and the Creation of the American Soul*, 312-316.

⁹⁶ Concerning Williams’ use of this language, Nussbaum comments, “According to Williams, there are two separate sets of ends and activities in human life; corresponding to these are two utterly different sorts of jurisdiction, two sorts of authority. Civil or state authority concerns “the bodies and goods of subjects” (exactly the characterization that Locke later gives). Civil authority must protect people’s entitlements to property and bodily security, and it may properly use force to do so,” Martha Nussbaum, “Living Together: The Roots of Respect,” *Univ. Ill. Law Rev.* 2008.5 (2008): 20.

⁹⁷ McBeth, *A Sourcebook for Baptist Heritage*, 83.

⁹⁸ Barry, *Roger Williams and the Creation of the American Soul*, 329. For more on Williams’ use of natural reason, see James Calvin Davis, *The Moral Theology of Roger Williams: Christian Conviction and Public Ethics* (Louisville, KY: Westminster John Knox, 2004).

worship according to their consciences. As he defended his views on religious freedom, it was Williams who first argued in favor of a “wall of separation” between the civil and spiritual realms.⁹⁹ In fact, Williams so fervently believed in that freedom that he “created the first government in the world that built such a wall.”¹⁰⁰ Further, he argued that religious persecution often yields undesirable outcomes not only for individuals but for society. “God requires not” Williams argued, “a uniformity to be enacted and enforced in any civil state ... enforced uniformity, sooner or later, is the greatest occasion of civil war, ravishing of conscience and persecution of Christ and his servants.”¹⁰¹

From Romans 13, he argued in the *Bloudy Tenent* that God had established “a twofold state, a civil state and a spiritual, civil officers and spiritual, civil weapons and spiritual weapons.” And perhaps his clearest justification for separation came from the Ten Commandments.¹⁰² He argued that magistrates had full authority to regulate and punish matters of the second table of the law—those pertaining to man’s civil obligations. But the commandments of the first table—those speaking to an individual’s duty to God—were solely within the purview of the individual and the church. Though Williams’ primary concerns were theological, his doctrine of separation necessarily entailed a certain measure of political freedom, with significant implications regarding the nature of the relationship between the individual and the state.

⁹⁹ Nussbaum, “Living Together: The Roots of Respect.”

¹⁰⁰ Barry, *Roger Williams and the Creation of the American Soul*, 6.

¹⁰¹ Roger Williams and Richard Groves, *The Bloudy Tenent of Persecution for Cause of Conscience*, 1st ed., Baptists (Macon, GA: Mercer University Press, 2001), 3.

¹⁰² Cf. McBeth, *The Baptist Heritage*, 135.

Finally, the third key element of Williams' thought is his view of democracy. Though he rarely spoke of democracy as such, the colony in Rhode Island was governed by majority vote and functioned as a democracy from the outset. As McBeth notes, Williams advanced a political theory in support of the practice in *The Bloudy Tenent*:

the sovereign, original, and foundation of civil power lies in the people (whom they must needs mean by the civil power distinct from the government set up). And, if so, that a people may erect and establish what form of government seems to them most meet for their civil condition; it is evident that such governments as are by them erected and established have no more power, nor for no longer time, than the civil power or people consenting and agreeing shall betrust them with. This is clear not only in reason but in the experience of all commonweals, where the people are not deprived of their natural freedom by the power of tyrants.¹⁰³

Notice the subtle invocation of the ideas of consent and individual rights set against the concept of tyranny. Williams identifies the true power and authority of a government as resting in the will or consent of the people it purports to represent. Beyond political advocacy, Williams and his band at Providence Plantations established the practices of democracy long before such political ideals were in vogue in the New World.

In his writings and legacy, Williams advanced the Baptist vision of the role of the state. He argued forcefully for separation and denounced in the strongest terms the coercion of the conscience, forced worship, and state-established religion. Williams recognized the duty of Christians to obey the state as a legitimate authority but denied the state wielded any authority over the worship of the church or a person's spiritual beliefs.

¹⁰³ Williams and Groves, *The Bloudy Tenent of Persecution for Cause of Conscience*, 154. Notice Williams does not take up here the question of a government's legitimacy but of its power.

John Clarke

John Clarke was a contemporary of Roger Williams. He founded the second Baptist church in America and was responsible for seeing the cause of religious freedom manifest for the first time in an American colony. Clarke was born and educated in England. Upon coming to the New World, he arrived in Boston in 1637, the year after Williams was exiled. Clarke too found the Puritans there to be highly contentious and soon separated from them.¹⁰⁴ Though it is unclear exactly when he adopted Baptist views, in 1641 Clarke settled in Newport, Rhode Island where he founded the church that, by at least 1648, became the second Baptist church in America.¹⁰⁵ Unlike Williams, Clarke remained a Baptist, pastoring the church until his death in 1676. The Newport church “remained one of the leading Baptist churches” for the rest of the century.¹⁰⁶

Clarke’s views on religious liberty became known as a result of an incident in Massachusetts in 1651. On a pastoral visit to the home of William Witter in Lynn, along with assistant pastor Obadiah Holmes and John Randall, a layman, “Clarke and company held worship in Witter’s home.”¹⁰⁷ But as Clarke was preaching, constables interrupted the gathering and arrested Clarke, Holmes, and Randall “for not honoring the state’s religion.”¹⁰⁸ The three were found guilty by a Boston court and sentenced to fines or whipping. Others paid the fines for Clarke and possibly Randall who were both released,

¹⁰⁴ William H. Brackney, *A Genetic History of Baptist Thought: With Special Reference to Baptists in Britain and North America*, 1st ed., Baptists (Macon, GA: Mercer University Press, 2004), 203.

¹⁰⁵ Cf. McBeth, 138.

¹⁰⁶ McBeth, *The Baptist Heritage*, 138.

¹⁰⁷ Tom J Nettles, *The Baptists: Key People in Forming a Baptist Identity* (Fearn: Mentor, 2005), 2:45.

¹⁰⁸ Nettles, *The Baptists*, 2:45.

but Holmes refused any assistance and “insisted upon taking the beating.”¹⁰⁹ Tied to a stake in the Boston Commons, Holmes was stripped to his waist and lashed thirty-nine times with a three-corded whip. Clarke chronicled the events in his work, *Ill News from New-England*, which captured statements from Holmes and other witnesses, and included “official court records and statements from the magistrates.”¹¹⁰

Clarke addressed *Ill News* to Parliament in hopes of “informing it of the condition of liberty in the colonies.” In that volume, he advanced arguments against pedobaptism and argued in favor of religious freedom based upon his “understanding of New Testament Christianity and the nature of the church.”¹¹¹ Clarke presented eight arguments in the book against religious persecution and the coercion of conscience. Among them, he argued that no civil authority possesses the right to force another to worship or believe, “No, nor yet with outward force, or an arm of flesh to constrain, or restrain another’s conscience, nor yet his outward man for conscience’s sake, or worship of his God.”¹¹² He restates this principle in his eighth and final argument, “But this outward forcing of men in matters of conscience towards God to believe as others believe and to practice and worship as others do cannot stand with the Peace, Liberty, Prosperity and Safety of a Place, Commonwealth or Nation.”¹¹³

Clarke argued for an end to persecution on theological and practical grounds. Biblically, Christ had given no one authority to act as Lord of another person’s

¹⁰⁹ McBeth, *The Baptist Heritage*, 140.

¹¹⁰ Nettles, *The Baptists*, 2:45.

¹¹¹ Nettles, *The Baptists*, 2:46.

¹¹² John Clarke, *Ill Newes from New-England* (Paris, AR: Baptist Standard Bearer, 2004), 96.

¹¹³ Clarke, *Ill Newes from New-England*, 109.

conscience. Practically, the persecution of a person's religious beliefs cannot lead to civil peace. Thus, on both grounds, Clarke appealed to Parliament to curtail religious persecution within the colonies. In England, Clarke's successful diplomatic efforts resulted in King Charles II's granting a charter to Rhode Island that read, "it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained ... among our English subjects, with a full liberty in religious concernments."¹¹⁴ Roger Williams will always be better known than John Clarke as the Baptist defender of religious freedom, but Clarke's own contributions to both Rhode Island and the American tradition of religious freedom should not be overlooked.¹¹⁵

Isaac Backus

Nearly a century after Williams and Clarke endeavored to establish the colony at Rhode Island, Isaac Backus labored to defend religious freedom in New England. Backus was described as possessing "perhaps the keenest mind in America" and as "the worthy successor of Roger Williams and John Clarke in the long, long struggle for religious liberty."¹¹⁶ Born in 1724 to a wealthy family, Backus was reared in the Congregational

¹¹⁴ Smith, *Freedom of Religion*, 151.

¹¹⁵ As Thomas Bicknell comments, "Prior to the English Revolution of the Seventeenth Century, however, nowhere on the face of the earth and among civilized men, did civil and soul-liberty jointly exist. It's first clear, full, deliberate, organized and permanent establishment in the world can now be distinctly traced to the Colony of Rhode Island, on the island of Aquidneck, in Narragansett Bay, under the leadership and inspiration of Dr. John Clark, the true founder." Thomas W. Bicknell, *Story of Dr. John Clarke* (Ann Arbor, MI: The University of Michigan Press, 1915), 15.

¹¹⁶ Dawson, *Baptists and the American Republic*, 46-47. For a sketch of Backus' life and thought, see Alvah Hovey, *A Memoir of the Life and Times of the Rev. Isaac Backus, A.M.* (Cambridge, MA: Harvard University Press, 1859). For a recent popular work on Backus, see Brandon J. O'Brien, *Demanding Liberty: An Untold Story of American Religious Freedom* (Downers Grove, IL: IVP Books, 2018).

Church. But he came from a line of religious dissenters. Both his grandfather and great-grandfather made significant stands against the coercion of conscience prior to his birth. At age seventeen, Backus “experienced an emotional conversion” during the Great Awakening, and “thereafter affiliated with the prorevival New Lights.”¹¹⁷ After his conversion Backus felt called by God to preach. By 1751, he had been baptized by immersion and spent several years attempting to lead a church that practiced both modes of baptism. But by 1756, Backus had successfully established a new church “on strict Baptist principles, which he pastored for the rest of his life.”¹¹⁸ Though Backus was not formally educated beyond seven years of limited schooling, he possessed considerable intellect. He not only mastered and applied the thought of Roger Williams but was conversant in the philosophy of John Locke and other Enlightenment thinkers.¹¹⁹ He brought all of this to bear in his fight for religious freedom.

Having long suffered religious discrimination, in 1769 Baptists in New England’s Warren Association formed a Grievance Committee to address issues related to religious liberty. By 1772, Backus began to serve as chairman of the committee, which “gathered data on Baptist sufferings, presented petitions for redress to various courts and legislatures, and pushed for legislation to alleviate religious discrimination.”¹²⁰ Backus was drawn to the cause through personal experience. Both he and his mother, Elizabeth, had been jailed at separate times for their refusal to pay taxes in support of the state

¹¹⁷ McBeth, *The Baptist Heritage*, 259.

¹¹⁸ McBeth, *The Baptist Heritage*, 259.

¹¹⁹ Myron C. Noonkester, “‘God for Its Author’: John Locke as a Possible Source for the New Hampshire Confession,” *N. Engl. Q.* 66.3 (1993): 448. Stanley J. Grenz, *Isaac Backus: Puritan and Baptist*, NABPR Dissertation Series no. 4 (Macon, GA: Mercer University Press, 1983), 58-59.

¹²⁰ McBeth, *The Baptist Heritage*, 262.

church.¹²¹ As chairman of the Grievance Committee, Backus led Baptists in New England to pursue bold strategies to defend their liberties including threatening to take their petitions directly to the authorities in London (1770) and actually refusing to “pay church taxes and stop applying for the exemption certificates.”¹²² To convince his fellow Baptists to take the latter course, Backus made the argument:

liberty of conscience, the greatest and most important article of all liberty, is evidently not allowed, as it ought to be in this country, not even by the very men who are now making loud complaints of encroachments upon their own liberties. And as it appears to us clear that the root of all these difficulties, and that which has done amazing mischief in our land, is civil rulers assuming a power to make any laws to govern ecclesiastical affairs, or to use any force to support ministers; therefore, these are to desire you to consider whether it is not our duty to strike so directly at this root, as to refuse any conformity to their laws about such affairs, even so much as giving any certificates to their assessors.¹²³

There was an obvious parallel between the oppression directed toward Baptists and other religious dissenters by their fellow colonists and England’s oppression of the rights of colonists in America. In light of growing tension between England and the colonies, and the fact that the number of Baptists continued to increase, colonial legislatures were forced to make concessions to the Baptists and grant further measures of religious freedom.¹²⁴

But Backus’s work was not yet complete. In 1774, he was sent by the Warren Association to head a delegation to the Continental Congress to appeal for further

¹²¹ Dawson, *Baptists and the American Republic*, 48.

¹²² McBeth, *The Baptist Heritage*, 263.

¹²³ Hovey, *A Memoir of the Life and Times of the Rev. Isaac Backus, A.M.*, 189.

¹²⁴ In 1773, Backus published his well-known work, *An Appeal to the Public for Religious Liberty*, in which he set forth the distinctions between civil and ecclesiastical governments. Therein, he called liberty of conscience the “dearest of rights” and affirmed the critical importance of religious freedom for any society seeking to be both united and free. See, Isaac Backus, *An Appeal to the Public for Religious Liberty* (Boston, MA: John Boyle in Marlborough Street, 1773).

protections of conscience and religious freedom. The delegation did not appear before the entire congress but presented their case to a subcommittee “composed of Massachusetts delegates John Adams, Samuel Adams, Robert T. Paine, and Thomas Cushing.”¹²⁵ In that appearance, the delegation read a Memorial from the Warren Association. The conclusion of that document read:

It may now be asked, *What is the liberty desired?* The answer is: as the Kingdom of Christ is not of this world, and religion is a concern between God and the soul, which no human authority can intermeddle, consistently with the principles of Christianity, and according to the dictates of Protestantism, we claim and expect the liberty of worshiping God according to our consciences, not being obliged to support a ministry we cannot attend, whilst we demean ourselves as faithful subjects.¹²⁶

Despite the clarity of their request and the evidence of mistreatment presented by the delegation, the subcommittee was unmoved and dismissed their concerns. While members of the committee affirmed that Massachusetts technically maintained an ecclesiastical establishment, they defended it as “a very slender one, hardly to be called an establishment.”¹²⁷ Backus continued to fight for religious freedom for the remainder of his life and is credited with helping Massachusetts and other New England states ratify the Constitution. Though the Bill of Rights enshrined protections for religious liberty into federal law, it was not until 1833 that the religious establishment in Massachusetts was ended.

Two of Backus’s most important works on religious freedom were written to oppose the establishment of religion in the state constitution of Massachusetts, which was

¹²⁵ McBeth, *The Baptist Heritage*, 265.

¹²⁶ David Spencer, *The Early Baptists of Philadelphia* (Cambridge, MA: Harvard University Press, 1877), 114.

¹²⁷ McBeth, *The Baptist Heritage*, 265.

written after the Revolutionary War.¹²⁸ The first treatise, *Government and Liberty Described; and Ecclesiastical Tyranny Exposed*, was written in 1778 to oppose an early attempt to adopt a new state constitution that “made no significant changes in the laws which had a pressed Baptists for generations.”¹²⁹ Against this effort to retain a system of establishment, Backus argued the “main obstruction to [God’s] great blessings among the people then spoken to, was their assuming a power to govern religion, instead of being governed by it. True religion is a voluntary obedience unto God.”¹³⁰ Due to significant opposition including the efforts of Backus and other Baptists in Massachusetts, the proposed constitution was defeated. The second treatise, *An Appeal to the People of Massachusetts State Against Arbitrary Power*, was written two years later to oppose similar measures in an additional attempt to secure a constitution for Massachusetts.

After pressing to no avail for the amendment of Article III, which allowed taxes to be collected from all citizens to fund “the institution of the public worship of God and for the support and maintenance of public protestant teachers of piety, religion, and morality,” Backus wrote *An Appeal to the People* to convince voters not to support the new constitution.¹³¹ In that work Backus argued that Article III “asserts a right in the people of this State to make and execute laws about the worship of God, directly contrary to the truth which assures us that we have but ONE LAWGIVER in such affairs.”¹³² *An*

¹²⁸ For the best collection of Backus’s writing along with a helpful introduction to his life and thought, see Isaac Backus and William G McLoughlin, *Isaac Backus on Church, State, and Calvinism: Pamphlets, 1754-1789* (Cambridge, MA: Harvard University Press, 1968).

¹²⁹ McBeth, *The Baptist Heritage*, 260.

¹³⁰ Isaac Backus, *A History of New-England: With Particular Reference to the Denomination of Christians Called Baptists* (Oxford: Oxford University Press, 2007), 223.

¹³¹ Daniel L. Dreisbach and Mark David Hall, eds., *Faith and the Founders of the American Republic* (New York, NY: Oxford University Press, 2014), 314.

¹³² Dreisbach and Hall, *Faith and the Founders of the American Republic*, 314.

Appeal to the People also contained Backus’s defense of the Baptist belief in religious liberty and addressed directly the attacks of those arguing that Baptists were dangerous or bigoted. Backus experienced the hardships of religious persecution firsthand but remained a principled defender of religious freedom. His defense of rights of conscience and fight against the established church in Massachusetts further developed the Baptist tradition of promoting religious freedom in North America.

John Leland

In the decades leading up to the Revolutionary War, Baptists faced the fiercest opposition in New England and in the southern colonies, particularly Virginia and South Carolina where the Anglican Church was still established by law.¹³³ Similar to the Grievance Committee of Massachusetts, Baptists in Virginia established the General Committee of Virginia in 1784, which became the primary means of addressing religious persecution. Though the first half of the eighteenth century saw little persecution take place in Virginia, it “took on a new intensity in the 1750s.”¹³⁴ As Waldman notes, between the years 1760–1778, more than 150 significant instances of religious persecution were recorded against Baptists in the colony of Virginia alone.¹³⁵ Far beyond mere taxes or tithes, that persecution included whippings, beatings at the hands of mobs, jailing, and exile. Indeed, in a single ten-year span during this period more than “thirty Baptist

¹³³ As McBeth notes, though religious persecution was fervent in the northern and southern colonies, such persecution in the middle colonies was sporadic and limited. McBeth, *The Baptist Heritage*, 266.

¹³⁴ McBeth, *The Baptist Heritage*, 269.

¹³⁵ Steven Waldman, *Sacred Liberty: America’s Long, Bloody, and Ongoing Struggle for Religious Freedom* (New York, NY: HarperOne, 2019), 1.

preachers in Virginia were imprisoned, whipped, or stoned.”¹³⁶ And in the midst of this persecution and religious oppression, John Leland became the most significant Baptist defender of religious freedom in North America since Roger Williams.

Leland was born in Massachusetts and lived there for most of his life. For fifteen years, however, he lived and ministered in Virginia during the height of religious persecution in the newly established commonwealth, between the years 1776–1791. Known as shrewd, witty, and eccentric, Leland organized the Baptists in Virginia to respond to religious persecution and became their foremost spokesman on the subject.¹³⁷ His most significant work on religious freedom, *The Rights of Conscience Inalienable*, was published the year he left Virginia to return to Massachusetts.¹³⁸ In that essay, Leland discusses the foundation of civil government and sets forth a powerful defense of religious freedom. McBeth summarizes Leland’s conclusions in three points, “(1) that the rights of conscience are inalienable, not subject to either government permission or restriction; (2) that establishment of religion by law always damages religion; and (3) that the real motives for establishment are not to benefit religion but to buttress the power of civil rulers and augment the purses of ambitious clergy.”¹³⁹

Leland bore the conviction that the establishment of religion was mutually corrupting for both the church and the state. Most importantly, he argued that the fallible institutions of men must not be allowed to interfere with the faith of men. But in addition

¹³⁶ McBeth, *The Baptist Heritage*, 270.

¹³⁷ Cf. McBeth, *The Baptist Heritage*, 273.

¹³⁸ John Leland, “The Rights of Conscience Inalienable,” in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 171–84. For more on the Leland’s political thought, see Martha Eleam Boland, “Render Unto Caesar: Sources of the Political Thought of John Leland” (New Orleans Baptist Theological Seminary, 1997).

¹³⁹ McBeth, *The Baptist Heritage*, 274.

to believing that the establishment of religion was undesirable, Leland also believed it was unnecessary. He was certain the Christian gospel needed no help from the state—neither in the form of assistance nor coercion. Leland was so convinced of the benefits of separation that he argued, “It is error, and error alone, that needs human support.”¹⁴⁰ He also added, “true religion can, and will prevail best, where it is entirely left to Christ.”¹⁴¹

In *Rights of Conscience*, Leland provided clear direction for the application of religious liberty. He argued that governments are within their rights to punish even the religious *actions* (what he refers to as “religious phrenzy”) of citizens should their actions threaten harm to others, but the state must never seek to punish or restrict a person’s *beliefs*.¹⁴² For Leland, there was simply no basis for civil government to take an interest in religious matters beyond curtailing behavior that threatened the wellbeing of others. As he wrote, “Is uniformity of sentiments, in matters of religion, essential to the happiness of civil government? Not at all. Government has no more to do with the religious opinions of men, than it has with the principles of mathematics.”¹⁴³

In view of the nation’s new Constitution, which was ratified in 1788, Baptists in Virginia were deeply concerned that its provisions for religious liberty were inadequate. In 1789, the General Committee appointed John Leland to write to President Washington concerning the issue. In his letter to the President, Leland stated that Baptists in Virginia “had unusual strugglings of mind” concerning the Constitution, “fearing that the liberty

¹⁴⁰ Leland, “The Rights of Conscience Inalienable,” 177.

¹⁴¹ Leland, “The Rights of Conscience Inalienable,” 184. Elsewhere he wrote, “Test oaths, and established creeds, should be avoided as the worst of evils...[I]t is not the province of civil government to establish forms of religion.” Leland, “The Virginia Chronicle,” 110..

¹⁴² Leland, “The Rights of Conscience Inalienable,” 176.

¹⁴³ Leland, “The Rights of Conscience Inalienable,” 176.

of conscience, dearer to us than property or life, was not sufficiently secured.”¹⁴⁴ And to indicate the justification for these concerns, Leland noted the prior persecution of Baptists in Virginia “under regal government, when mobs, fines, bonds and prisons were our frequent repast.”¹⁴⁵ Despite Washington’s gracious reply indicating his belief the Constitution did protect “the religious rights of any ecclesiastical society” and that it erected “effectual barriers of any spiritual tyranny,” the Baptists remained concerned.¹⁴⁶

Because Baptists had become numerous in Virginia, they were able to wield considerable political influence. Prior to the ratification of the Constitution, Virginia Baptists threatened to hold up the process due to their concerns over the document’s lack of explicit protections for religious freedom. As a part of their effort, Leland was asked to draft a list of objections to the proposed Constitution. He produced a list including ten objections “centering around the lack of a bill of rights and written guarantees of religious liberty.”¹⁴⁷ And though there is no extant firsthand account, it is believed that Leland expressed these concerns directly to James Madison, even threatening to oppose Madison in the race for delegate to the ratification convention if Madison failed to commit to securing further protections for religious freedom.¹⁴⁸ Whatever the truth of this event, Madison was elected to the convention with the support of Baptists. Further, Madison was instrumental in the effort to secure the Bill of Rights, including the First Amendment’s guarantees of religious freedom. Dawson notes the enduring influence of

¹⁴⁴ Leland, *The Writings of the Late Elder John Leland*, 45.

¹⁴⁵ Leland, *The Writings of the Late Elder John Leland*, 45.

¹⁴⁶ Leland, *The Writings of the Late Elder John Leland*, 45.

¹⁴⁷ McBeth, *The Baptist Heritage*, 281. Baptists were hardly alone in their concern. McBeth notes that Thomas Jefferson, writing from Paris, also expressed similar concerns, “a bill of rights is what the people are entitled to against every government on earth.”

¹⁴⁸ McBeth, *The Baptist Heritage*, 282.

Leland and the Baptists from Virginia, “Madison received his chief inspiration and major support from the Baptists, without whom in all probability the United States could never have adopted a positive guarantee of separation of church and state with full religious liberty for all.”¹⁴⁹

In *Rights of Conscience*, Leland posed and answered the following question, “Does a man, upon entering into social compact, surrender his conscience to that society, to be controlled by the laws thereof; or can he, in justice, assist in making laws to bind his children's consciences before they are born?”¹⁵⁰ He answered in the negative and offered four reasons:

First. Every man must give an account of himself to God, and therefore every man ought to be at liberty to serve God in a way that he can best reconcile to his conscience. If government can answer for individuals at the day of judgment, let men be controlled by it in religious matters; otherwise, let men be free. Second. It would be sinful for a man to surrender that to man, which is to be kept sacred for God.... Third. But supposing it was right for a man to bind his own conscience, yet surely it is very iniquitous to bind the consciences of his children ... And yet such has been the conduct of men in almost all ages, that their children have been bound to believe and worship as their fathers did, or suffer shame, loss, and sometimes life, and at best to be called dissenters, because they dissent from that which they never joined voluntarily.... Fourth. Finally, religion is a matter between God and individuals: the religious opinions of men not being the objects of civil government, nor in any way under its control.¹⁵¹

Leland spent his life defending the sacred principles of religious freedom. He defended the legitimacy of government, the sacredness of conscience, the duty of Christian obedience to the state, the critical importance of religious freedom, and the necessity of

¹⁴⁹ Dawson, *Baptists and the American Republic*, 117.

¹⁵⁰ Leland, “The Rights of Conscience Inalienable,” 173. Leland’s thoughts about the social compact will be taken up in chapter four.

¹⁵¹ Leland, “The Rights of Conscience Inalienable,” 173.

separation. The religious protections found in the Bill of Rights exist in no small part because of his influence. And it is Leland's views that demonstrate a mature Baptist perspective on religious freedom—the tradition that has continued to be embraced by a majority of Baptists up to the present.¹⁵²

A Baptist View of Government

Because the Baptist movement was born amid fierce religious persecution, from the very beginning Baptists have been forced to articulate specific views about the state. John Smyth, the pioneer of the modern Baptist movement, argued for liberty of conscience and insisted that all Christians—at least all Protestants—should remain free in their worship, safe from the interference of government. As the movement progressed, these beliefs were further developed. Baptists who followed Smyth expanded on his call for conscience protections, defending in most cases the rights of all men of any creed to worship and practice their beliefs openly without fear of government reprisal. Ultimately, as Baptists amassed a growing influence, specifically in North America, the Baptist theological doctrine of religious freedom became a meaningful political doctrine as well.

This political doctrine called for a non-confessional state. Baptists not only insisted that the state refrain from interfering in spiritual matters but argued for intentional separation between the realms of church and state. Baptists affirmed that government was established by God to promote justice, punish evil, and order the affairs of men in the civil realm. Further, Baptists have consistently argued that Christians are

¹⁵² Cf. Charles McDaniel, "The Decline of the Separation Principle in the Baptist Tradition of Religious Liberty," *J. Church State* 50.3 (2008): 413.

bound to obey the civil authorities God had established. But in arguing for separation, Baptists contended that government should make no laws on the basis of religion.

Baptists made such arguments for spiritual reasons.¹⁵³ As Leland articulated, any attempt by the state to instantiate religion among its citizens always harms religion. This is no less true for Christianity than for any other religion. Baptists held to the firm conviction, on the basis of their soteriology, that the salvation of an individual's soul was a private matter between God and the individual; the state could not answer for a man at judgment and has no right to direct his worship or beliefs. Finally, Baptists believe Jesus is the only Lord of the conscience and head of the church. For this reason, matters pertaining to religion and conscience are outside the boundaries of the state's authority.

Between Smyth and Leland, Baptists advanced an untold number of assertions about the role of the state. But as seen in the survey from this chapter, these assertions have a shared core of beliefs. Therefore, the essential elements of Baptist beliefs about the state may be expressed in the following five propositions:

1. The state is established by God and exists to promote justice, punish evil, and order affairs in the civil realm.
2. The state has no authority over the conscience and must make no laws to establish religion, nor coerce religious beliefs.
3. Christians have a duty to obey the state.
4. The state has a duty to protect religious freedom.
5. Church and state must remain separate.

¹⁵³ Jason Whitt argues that later Baptists were significantly influenced by Enlightenment philosophies and largely shifted their grounds for arguing for religious freedom from a biblical and spiritual standpoint affirming the sovereignty of God to a political and philosophical standpoint affirming natural rights and individual freedom. See, Whitt, "Transforming Views of Baptist Ecclesiology: Baptists and the New Christendom Model of Political Engagement." Whitt is correct that later American Baptists such as Backus and Leland further articulated the political implications of their doctrine of religious freedom, often using Lockean categories. But as demonstrated above, it is not the case that Revolutionary era Baptists' theological rationale for religious freedom was supplanted by political or philosophical arguments.

The political nature of these assertions is apparent. If the state is required not only to refrain from interfering with spiritual matters, but is precluded from making laws on the basis of religion, on what basis can the state make laws? And to ask a broader question, what approach to civil government coheres with Baptist beliefs? Certainly, it is plausible that more than one approach to political theory may satisfy each of these propositions. But even so, it is obvious that few systems of political thought are able to do so. It has long been assumed by many Baptists in the United States that the political philosophy of John Locke coheres with such a framework. To investigate the merits of this assumption, a central aspect of Locke's political theory will now be explored.

CHAPTER 3 JOHN LOCKE AND THE SOCIAL CONTRACT

In his *First Treatise of Government*, John Locke wrote, “The great question which in all ages has disturbed mankind, and brought on them the greatest part of those mischiefs which have ruined cities, depopulated countries, and disordered the peace of the world, has been, not whether there be power in the world, not whence it came, but who should have it.”¹ In that single passage, Locke addressed the primary question surrounding the legitimate exercise of political authority, namely, what person or entity has a rightful claim to rule. Though the exercise of authority is as old as mankind, determining the basis upon which a person or group may rightfully lay claim to the submission of their fellow human beings is a more difficult task. In his famous work, *Two Treatises of Government*, Locke sought to address such questions about the nature of legitimate political authority by way of the social contract.

This chapter will explore John Locke’s theory of the social contract, which lies at the heart of his conception of political authority, utilizing the following approach. First,

¹ Locke, *Two Treatises of Government*, 218. The focus of this chapter is limited in scope. In examining Locke’s political theory as set forth in *Two Treatises*, this chapter will not explore Locke’s epistemology, his other major scholarly interest set forth in his famous *Essay Concerning Human Understanding*, or the considerable breadth of Locke’s writings, except where they are especially relevant to Locke’s mature views on politics and political authority. As Thomas notes, “*The Two Treatises of Government* stand fairly much on their own in Locke’s writings; separate even from his works on toleration. Locke’s desire to conceal his authorship of the two treatises prevented him from making allusions to other works of his, the authorship of which he had acknowledged, D. A. Lloyd Thomas, *Routledge Philosophy Guidebook to Locke on Government*, Routledge Philosophy Guidebooks (London; New York, NY: Routledge, 1995), x. For Locke’s *Essay*, accompanied by an excellent introduction, see John Locke, *An Essay Concerning Human Understanding*, ed. P. H. Nidditch, The Clarendon Edition of the Works of John Locke (Oxford; New York: Clarendon Press; Oxford University Press, 1979).

the chapter will set forth the historical context in which Locke's approach to government was forged by examining his life and background.² Second, Locke's approach to the exercise of political authority will be considered by examining his articulation of the social contract in his *Second Treatise*. Finally, to establish the present value of Locke's social contract, significant challenges to the contract tradition will be considered. In the course of this examination, this chapter will identify the core elements of Locke's contract theory and demonstrate its ongoing usefulness—despite significant critiques—for articulating a Baptist approach to political authority.

Locke's Life and Context

John Locke was born into an England nearing the apex of an enduring, bitter, and bloody struggle to find the balance between the powers of church and state, and to choose between the faith of Rome or the Reformation.³ This struggle can be traced back at least to the reign of King Henry VIII, who initiated England's break with Catholicism around the year 1532 over the issue of annulment, roughly 100 years prior to Locke's birth.⁴ Following Henry's reign, England would struggle over matters of religion for more than a century. Some of his successors would attempt to restore Catholicism to the realm by

² Understanding Locke's life as well as the political and cultural times in which he wrote the *Two Treatises* sheds considerable light upon the meaning and value of the work. Cf. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 2.

³ For an overview of the political terrain of seventeenth century England, see David Underdown, *A Freeborn People: Politics and the Nation in Seventeenth-Century England* (Oxford: Oxford University Press, 1996). See also, Kevin Sharpe, *Remapping Early Modern England: The Culture of Seventeenth-Century Politics* (Cambridge; New York, NY: Cambridge University Press, 2000).

⁴ As a result of his dispute with the Pope, Henry was declared "Supreme Head of the Church of England." In addition, Henry became a chief exponent of the theory of the divine right of kings, which understood the authority of the monarch to emanate directly from God. Despite England's break with Rome during Henry's reign, the so-called English Reformation would not bring peace to the kingdom. Diarmaid MacCulloch, *The Reformation: A History* (New York, NY: Penguin Books, 2005), 193.

force by having hundreds of Protestant dissenters burned at the stake. These were the circumstances of Locke's England, a nation grappling with issues of power and truth, religion and rule, authority and freedom, all of which shaped the direction of Locke's political philosophy, including the questions he asked and the answers he proposed.

Philosophy and Major Works

Locke was a philosopher and political theorist in seventeenth century England. He is commonly regarded as the father of classical liberalism, from which Western-style liberal democracy emerged.⁵ Locke penned numerous works throughout his life on subjects including government, natural law, epistemology, and religion. His two most influential works were *An Essay Concerning Human Understanding*, in which he set forth his theory of knowledge, and *Two Treatises of Government*, in which he set forth the foundation of his political theory. Also significant were Locke's two major works dealing with religion, *The Reasonableness of Christianity* and his *Letter on Toleration*.⁶

⁵ Cf. Korab-Karpowicz, *On the History of Political Philosophy*, 184. See also, Michael P. Zuckert, *Launching Liberalism: On Lockean Political Philosophy* (Lawrence, KS: University Press of Kansas, 2002), 20. As Laslett contends, Locke had a profound influence upon Western political thought, from Montesquieu to Burke to Rousseau to Jefferson. See, Laslett, "Introduction" in Locke, *Two Treatises of Government*, 15.

⁶ For a discussion of Locke's scholarly contributions to the fields of philosophy and religion, in addition to political theory, see John W. Yolton, *John Locke: Problems and Perspectives: A Collection of New Essays* (London: Cambridge University Press, 1969). For a treatment of Locke's work on Christianity, see Victor Nuovo, ed., *John Locke and Christianity: Contemporary Responses to The Reasonableness of Christianity*, Key Issues no. 16 (Bristol; Dulles, VA: Thoemmes Press, 1997). For a careful inspection of Locke's political thought as presented in *Two Treatises*, see John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the "Two Treatises of Government"* (Cambridge: Cambridge University Press, 2010). See also, J. W. Gough, *John Locke's Political Philosophy: Eight Studies*, 2nd ed. (Oxford: Clarendon Press, 1973).

Locke's Education and Background

Locke was born in Wrington, a village in Somerset on August 29, 1632.⁷ Both his mother and his father “came from Puritan trading families, clothiers on the father’s side and tanners on the mother’s.”⁸ He lost his mother at a young age. His father was a country lawyer of modest means who served as a captain with the Parliamentary cavalry and fought against the Royalists in the First English Civil War (1642-1646).⁹ In 1652, Locke entered Oxford, then the center of scientific activity in England, where he studied medicine, natural science, and the classics.¹⁰ Inspired by his parents nonconformist beliefs, even as a young man Locke developed “a desire to find a way rationally to settle disputed religious and political questions.”¹¹ That desire would later culminate in Locke’s greatest work of political theory, *Two Treatises of Government*. As Dunn notes, “The political liberty that Locke had sought to vindicate in the *Two Treatises* was a liberty for

⁷ Woolhouse’s excellent work represents the first comprehensive biography of Locke since the mid-twentieth century, see Roger S. Woolhouse, *Locke: A Biography* (Cambridge: Cambridge University Press, 2009). For an additional detailed biography of Locke, see Maurice Cranston, *John Locke: A Biography* (London: Longmans, Green and Co., 1957).

⁸ John Dunn, *Locke: A Very Short Introduction*, revised ed., Very Short Introductions no. 84 (Oxford; New York: Oxford University Press, 2003), 2.

⁹ Due to his family’s lack of wealth, Alexander Popham, a notable and wealthy member of Parliament who was commander of the regiment in which Locke’s father served, arranged for Locke’s early education at the elite Westminster School. Locke attended the school for seven years before graduating and gaining acceptance to Oxford. For a history of the political controversies in England during Locke’s life, including the English Civil War and the Glorious Revolution, see Peter Ackroyd, *Rebellion: The History of England from James I to the Glorious Revolution* (New York: Thomas Dunne Books; St. Martins Griffin, 2015). For a focused treatment of the English Civil War, see Blair Worden, *The English Civil Wars: 1640-1660* (London: Phoenix, 2010). As Wolff notes, it was the English Civil War that provided inspiration for Hobbes to write *Leviathan*. Hobbes feared that England was on the brink of returning to a state of nature and wrote to “persuade his readers of the advantages of government.” Wolff, *An Introduction to Political Philosophy*, 7.

¹⁰ Cf. Korab-Karpowicz, *On the History of Political Philosophy*, 184.

¹¹ C. Stephen Evans, *A History of Western Philosophy: From the Pre-Socratics to Postmodernism* (Downers Grove, IL: InterVarsity Press, 2018), 302.

Protestants within the British State.”¹² After graduating as a bachelor of arts in 1656, Locke remained at Oxford where he qualified for a master’s degree in 1659. Afterwards, he became a “university lecturer and a senior fellow of Christ Church College.”¹³ In 1668, Locke was inducted into the Royal Society, where he joined academic elites including his mentor Robert Boyle and Isaac Newton. Locke held his post at Oxford for more than a decade, teaching subjects such as rhetoric, moral philosophy, and ancient Greek. In 1684 he was removed by royal mandate, fleeing into exile to escape retribution from King Charles II.¹⁴

Politics and Lord Ashley

Locke entered the world of politics in the winter of 1665-1666, when he traveled to Brandenburg as a secretary to a diplomatic mission.¹⁵ After completing the work, he declined an opportunity to continue further diplomatic service in Spain. Around this time, Locke turned his attention to the study of medicine—a decision that would alter the trajectory of his life and lead him into the highest realms of British politics. In 1666,

¹² Dunn, *Locke*, 22. Locke was tutored at Oxford by the chemist Robert Boyle, a leading scholar and founding member of the prestigious Royal Society, who led his pupil to develop an appreciation for the “empirical method” of acquiring knowledge. During this time Locke wrote several of his early works, including *Two Tracts on Government* and *Essays on the Law of Nature*. Both works can be found in John Locke, *Political Writings*, ed. David Wootton (Indianapolis: Hackett Publishing, 2003). While these works were published posthumously, neither reflected Locke’s mature “liberal” theory of government. In fact, they stand in remarkable contrast to Locke’s later writings. In *Two Tracts*, Locke argued against the concept of religious toleration, and his *Essays* strongly denied that consent was required for the legitimate exercise of political authority—views which Locke would later repudiate. Cf. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 5.

¹³ Korab-Karpowicz, *On the History of Political Philosophy*, 184. See also, Woolhouse, *Locke*, 50–51.

¹⁴ Cf. Dunn, *Locke*, 12. See also, Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 4.

¹⁵ Korab-Karpowicz, *On the History of Political Philosophy*, 184. Locke was more than a political theorist. In fact, his considerable experience as a political actor set him apart from many political philosophers. Cf. Zuckert, *Launching Liberalism*, 17.

Locke made the acquaintance of Lord Ashley—who in 1672 became the first Earl of Shaftesbury, when the king rewarded his service with a peerage and promotion.¹⁶ Upon first meeting Locke, Ashley was already a “leading politician at the court of Charles II,” and within a year of their introduction Locke became a member of Ashley’s household at Exeter House in London.¹⁷ At this time, Ashley was suffering an abscess in his liver. After consulting other physicians, Locke brilliantly “advised and directed” a novel operation that proved to be something of a medical miracle; it removed the abscess and likely saved Shaftesbury’s life.¹⁸ In addition to attending to Ashley’s health, Locke assisted the Earl in his business and political dealings, thrusting Locke into the epicenter of English politics.

In 1672, Shaftesbury became Lord Chancellor of the Realm, which elevated the Earl to the highest level of authority outside of the monarch. Following his promotion, he deputized Locke as his secretary for affairs related to his office and made Locke secretary to the Proprietors of Carolina and to the Council of Trade.¹⁹ But when Shaftesbury was stripped of his office in 1673 because of his stiffening opposition to the king’s efforts to advance and support Catholicism in England and on the Continent, Locke’s career in

¹⁶ Cf. Woolhouse, *Locke*, 110.

¹⁷ Korab-Karpowicz, *On the History of Political Philosophy*, 185.

¹⁸ Laslett, “Introduction” in Locke, *Two Treatises of Government*, 25. Locke installed a permanent pipe to drain the area and prevent another abscess from forming. Following the operation, the bond between Locke and Ashley was permanently solidified. Locke became Ashley’s personal physician; Ashley became Locke’s committed benefactor. For the remainder of Shaftesbury’s life, Locke’s personal success and security were closely tied to the Earl’s political fortunes.

¹⁹ From his post as secretary to the Proprietors of Carolina, Locke assisted with the drafting of the Carolina colony’s constitution. As Barker notes, the Carolina constitution “combined the fine principle of toleration with an express acquiescence in Negro slavery.” That Locke understood so much about the principles of equality and freedom, while countenancing such an egregious violation of those egalitarian principles of human rights is a regrettable marker of his own inconsistency and the imperfections of his political thought, John Locke, David Hume, and Jean-Jacques Rousseau, *Social Contract*, ed. Sir Ernest Barker, 2nd ed. (New York, NY; London: Oxford University Press, 1960), xvii.

political affairs was also temporarily at end. Then in 1675, Locke either anonymously penned or assisted Shaftesbury with the production of an incendiary pamphlet entitled, *A Letter from a Person of Quality to His Friend in the Country*.²⁰ Due to the backlash from Parliament, Locke retreated to France where he began to work on his best-known volume of philosophy, *An Essay Concerning Human Understanding*.

Political Exile and Religious Toleration

After nearly four years of relative obscurity in France, Locke returned to England in 1679 and resumed his place as a member of Shaftesbury's household. He remained in England for another four years, assisting his patron who had become the leader of the Whig party opposing Charles II. In the course of their opposition, Shaftesbury and his fellow Whigs touched off the "Exclusion Crisis" when they attempted, unsuccessfully, "to get a bill through Parliament (an Exclusion Bill) to prevent the Duke of York (later James II), a Catholic, from succeeding to the throne."²¹ By the time of the Exclusion Crisis, Locke had finally become convinced that the king was acting as a tyrant, abusing "the licence [sic] given by his prerogative powers."²² After numerous failed attempts to overthrow or

²⁰ Regardless of its primary authorship, the pamphlet's description of Shaftesbury's "opposition programme" to the king's government disturbed the House of Lords, which ordered the documents burned and that the author be discovered and punished. Cf. Dunn, *Locke*, 11.

²¹ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 3. For more on the actions of the Whigs leading to the Exclusion Crises see, J. R. Jones, *The First Whigs: The Politics of the Exclusion Crisis, 1678-1683* (Westport, CT: Greenwood Press, 1985).

²² Dunn, *Locke*, 34. As Davis notes, the option of the social contract was appealing to Locke due, at least in part, to the increasing tyranny of the king, James II, who required every man of meaningful political stature in England to swear a personal oath of allegiance not to the crown but to James himself, Michael Davis, "Locke on Consent: The Two Treatises as Practical Ethics," *Philos. Q.* 62.248 (2012): 468.

assassinate the king, including the Rye House plot, Locke and Shaftesbury were once again forced into exile with a number of other prominent Whigs.²³

Exiled in Holland, Locke found friendship among French Protestants and Dutch theologians, which had a profound impact upon his political understanding. It was in the company of these Arminian theologians and Huguenot refugees that Locke came “to see the interests of European Protestantism and those of political freedom as bound tightly together.”²⁴ He published the *Letter* due to his growing concern that Catholic absolutism in France—supported by England’s monarch—with its “intractable commitment to religious uniformity” corrupted the spiritual purposes of God in the world and threatened the natural liberties of the individual.²⁵ By this time, Locke had come to see religious freedom, at least in terms of Protestant worship, as a human right.²⁶

Locke’s Death and *Two Treatises*

In England the throne passed from Charles II to his brother James II, upon the sudden death of the king in 1685. But the reign of the Catholic King James II was short lived. With the Glorious Revolution, the new king was deposed by Parliament and the crown passed to Mary—the Protestant daughter of James I—and her husband William of

²³ Shaftesbury died in exile. Locke sought refuge in Holland, where he remained from 1683-1689. Locke successfully avoided extradition in exile, though the king’s government kept him under surveillance.

²⁴ Dunn, *Locke*, 14. So profound was this experience that Locke dedicated his *Letter Concerning Toleration* to one of his closest friends in Holland, the Dutch Remonstrant theologian, Philipp van Limborch. John Locke, *A Letter Concerning Toleration and Other Writings*, ed. Mark Goldie, The Thomas Hollis Library (Indianapolis, IN: Liberty Fund, 2010).

²⁵ Dunn, *Locke*, 15.

²⁶ Cf. Dunn, *Locke*, 15. After witnessing Louis XIV, the “Sun King,” revoke the Edict of Nantes, which granted measures of religious liberty to French Huguenots, and initiate a campaign of violent persecution to coerce Protestants to convert to Catholicism, Locke found it imperative to respond to these events by setting forth a defense of religious toleration in the *Letter*. Therein, Locke argued against religious persecution, demonstrating that such efforts are not merely irrational but also ineffective.

Orange. William and Mary ruled as joint monarchs of England and Scotland. As a result, Locke once again returned to England in 1689, where he supported the rule of the Protestant monarchs and resumed his role as an advisor to leading Whig politicians.²⁷ Upon his return from exile Locke published three of his most significant works, *Two Treatises of Government*, *A Letter on Toleration*, both of which were published anonymously, and *An Essay Concerning Human Understanding*, published under Locke's own name.²⁸ Locke continued his political and intellectual pursuits for the remainder of his life. He died in Essex on October 28, 1704. At his death, John Locke was known as a leading intellectual and acclaimed philosopher.

Two Treatises and Locke's Social Contract

Religion and Civil Peace

It is impossible to understand Locke's *Two Treatises* apart from the political tumult of seventeenth century England. At Oxford in 1660, Locke composed his *Two Tracts on Government*, a work in which he defended the magistrate's right to lawfully impose specific forms of religion upon the people. It was no coincidence that same year

²⁷ His political fortunes restored, Locke ultimately accepted the position of Commissioner of Appeals in May of 1689. He would also serve as Commissioner of the Council of Trade and Plantations from 1696 to 1700, dealing with issues among the English colonies.

²⁸ Woolhouse, *Locke*, 281. It has never been determined exactly why Locke denied authorship of his political works, while he readily acknowledged his authorship of the *Essay*. At a minimum, the considerable risks of authoring such works played some role in his decision. The seditious nature of *Two Treatises*, which rooted the authority of the sovereign in the consent of the people rather than the doctrine of divine right, would have placed Locke at even greater risk of retribution from the crown than his close connection to Whig politicians like Shaftesbury. Locke had witnessed such danger firsthand in the execution of political dissidents for treason, including Algernon Sidney whose political writings were "no more radical" than his own. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 6. Whatever his full rationale, it was not until his death that Locke finally claimed ownership of *Two Treatises*. But by this time the volume was already being widely read and attributed to him.

marked the restoration of Charles II to the English throne, “11 years after his father’s trial and death on the scaffold” in the course of the English Civil War.²⁹ Locke welcomed the restoration of the monarch and the end of the Commonwealth under the Cromwells. At the time, as evidenced by the arguments within his *Two Tracts*, Locke was more concerned with the stability and authority of government than specific rights of the people or forms of religion. From his post at Oxford in the 1660s, Locke argued that civil order and social peace required religious uniformity.³⁰

Due to his association with Shaftesbury, over the course of the next several decades Locke would not only fall out of favor with the king over his political (and religious) views but adopt an entirely different approach to questions of religion and rule. Following the Exclusion Crisis, in which Locke opposed the king’s plan to pass the crown to his Catholic brother at the risk of thrusting England into yet another crisis of church and state, Locke revisited the Puritan principles of his youth while exiled in Holland. As he pondered questions of government, he returned to those “great traditions of Puritanism,” of which Barker notes specifically: natural law, individual rights, the limitations of the state, and toleration for the conscience of man.”³¹ While in exile, Locke would indeed draw upon these principles as he completed his greatest work of political philosophy, *Two Treatises of Government*, in which he set forth a radical approach to the role of the state and the nature of political authority.

²⁹ Dunn, *Locke*, 27.

³⁰ Cf. Robert Louis Wilken, *Liberty in the Things of God: The Christian Origins of Religious Freedom* (New Haven, CT: Yale University Press, 2019), 169. Despite the divergence of these early writings with Locke’s later writings, it is nonetheless significant that his early political tracts from Oxford as well as his mature views reflected in *Two Treatises* are all concerned with questions of political authority and religious freedom.

³¹ Locke, Hume, and Rousseau, *Social Contract*, xviii.

Locke's *Two Treatises*

According to Locke scholar John Dunn, "*Two Treatises* is a work principally designed to assert a right of resistance to unjust authority, a right, in the last resort, of revolution."³²

Even so, as Dunn also notes, this significant work of political theory also explores a number of major themes including theories of property, trust, and legitimate political authority. Among Locke's chief purposes in the book are his efforts to destroy the foundations of any claims to absolute monarchy, to determine the nature of legitimate political authority, and to define and defend the limitations of the government.³³

First Treatise

In his *First Treatise*, Locke's main purpose was to deliver a forceful critique of the political philosophy of Sir Robert Filmer. Filmer was the chief exponent in England of the theory of the divine right of kings in the first half of the seventeenth century. Filmer set forth a defense of divine right in his well-known work, *Patriarcha*.³⁴ As Thomas notes, "Filmer held that from the political point of view ... citizens were unequal and related to one another by a divinely instituted hierarchy, with the monarchy at its head on earth."³⁵ In Filmer's reckoning, the monarchy was by nature "absolute." Subjects did not have rights as persons or citizens beyond any freedoms the monarch should establish.

³² Dunn, *Locke*, 34.

³³ It is important to note the two entries that comprise Locke's *Two Treatises* are of unequal weight in terms of the work's overall value. In terms of impact, the *Second Treatise* has proved far more consequential in shaping political thought in the modern age. This is especially true when it comes to Locke's social contract theory, which is presented in its entirety in the *Second Treatise*.

³⁴ Robert Filmer, *Patriarcha and Other Writings*, ed. J. P. Sommerville, Cambridge Texts in the History of Political Thought (Cambridge; New York, NY: Cambridge University Press, 1991).

³⁵ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 12.

In writing *Two Treatises*, Locke found it necessary to begin with a thorough repudiation of Filmer's defense of divine right before setting forth his own theory of authority founded upon consent.³⁶ Locke understood that if it were established that the king's rule was the result of divine action, it would be difficult to deny that the king's authority was absolute. In such a circumstance, what justification would be available for his subjects to rebel or question the king's rule, even in the face of gross injustice or misconduct? Dissenting from the entire concept of divine right, Locke in his *First Treatise* set out an aggressive and protracted deconstruction of Filmer's arguments.

Second Treatise

In his *Second Treatise* Locke attempted to forge "a theory of legitimate political authority."³⁷ The key to understanding Locke's approach to the legitimate exercise of authority is the concept of "consent."³⁸ For Locke, the consent of the people is the essential element that allows government to legitimately wield political authority. But on what basis are free people able to consent to the rule of government? The central device that Locke utilizes to explain the nature of these relationships between the people and the government in authority over them is known as the social contract. Through his social contract theory, Locke aims to demonstrate the conditions in which free individuals are able to cooperate together to voluntarily establish the rule of the state, forming the

³⁶ Locke was not the first to take up Filmer's arguments. In 1681, Locke's close friend James Tyrrell published his own rebuttal of Filmer entitled, *Patriarcha non Monarcha*. Tyrrell's arguments likely influenced Locke's own rebuttal of Filmer in the *First Treatise*. Laslett, "Introduction" in Locke, *Two Treatises of Government*, 52. Translated from Latin, the title of Tyrrell's work literally means "the patriarch un-monarched." Locke and Tyrrell were close associates. Locke stayed with Tyrrell for a time before composing *Two Treatises*.

³⁷ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 13.

³⁸ For a discussion of Locke's understanding of consent, see Davis, "Locke on Consent."

foundation of legitimate government. To this end, Locke uses his social contract theory to demonstrate both the possibility of the existence of legitimate—or morally justified—political authority in the form of government *and* the justification for rebellion against even a legitimate government to which the people can no longer consent.

Locke's Social Contract Theory³⁹

State of Nature – Part I

As Barker asserts, “The famed social contract theorists—Thomas Hobbes, John Locke, and Jean-Jacques Rousseau—used the device of the state of nature to figure out the just claims of the state against the freedom of the individual.”⁴⁰ To describe it succinctly, the state of nature imagines the state of human life in a time prior to the existence of government. In other words, the state of nature is a kind of thought experiment that attempts to understand the proper relationship between individuals and the state by asking

³⁹ As with his refutation of divine right, Locke was not the first to articulate a theory of political authority utilizing the social contract. He is known as one of the three primary social contract theorists of his age, the others writing shortly before (Thomas Hobbes) or after (Jean-Jacques Rousseau) Locke published *Two Treatises*. Because Locke's work followed Hobbes' political work *Leviathan*, which also made use of the social contract, it is often assumed that Locke wrote all or part of *Two Treatises* directly in response to Hobbes. But as Laslett demonstrates, it is too much to say that Locke intended his work to be a response or rebuttal to Hobbes. Even so, in his use of the social contract, Locke could not avoid engaging at least some of Hobbes' arguments indirectly. As Laslett comments, “No one who set out, as Locke did, to argue from consent to absolute authority, could have avoided arguing to some extent in parallel with the already infamous *Leviathan*. Hobbist notions were in the air.” Laslett, “Introduction” in Locke, *Two Treatises of Government*, 21. In any event, each of these three men utilized a social contract formula to explain the proper relationship between individuals and the state. And though their applications of the social contract substantially diverge from one another, each of these contractarians construct their theories upon a common foundational element known as the state of nature.

⁴⁰ Hunter Baker, *Political Thought: A Student's Guide* (Wheaton, IL: Crossway, 2012), 30. The modern contract theorists were not the first to employ this device. Plato records Socrates' invocation of contract theory in his dialogue *Crito* and invokes a similar concept himself in Book II of *The Republic*. Plato, *Defence of Socrates; Euthyphro; Crito*, ed. David Gallop, Oxford World's Classics (Oxford; New York, NY: Oxford University Press, 2008). Plato, *The Republic of Plato*, trans. Allan Bloom, Paperback 3d ed. (New York, NY: Basic Books, 2016). For a brief consideration of Plato as contractarian, see H. D. Lewis, “Plato and the Social Contract,” *Mind* 48.189 (1939): 78–81.

under what conditions people living “where no state exists and no one possesses political power” would willingly subject themselves to such authority.⁴¹ As a device, the state of nature is useful in that it allows political philosophers to strip “politics down to its bare essence ... to solve the problems of religious difference and to determine the justice of the claims of rulers.”⁴² Unsurprisingly, the efforts of these Enlightenment-era contractarians to rethink the nature and boundaries of government can be directly traced back to disputes over religion.⁴³

Hobbes famously imagined life in the state of nature as being “solitary, poor, nasty, brutish, and short.”⁴⁴ Though Hobbes emphasized the functional equality of men in the state of nature, he nonetheless imagined it to be an exceedingly dangerous place.

Hobbes believed all men were essentially equal because, in spite of some men being of

⁴¹ Wolff, *An Introduction to Political Philosophy*, 7. Locke did argue that there were historical versions of the state of nature, which occur with some frequency. But none of his examples reflected an actual free and undeveloped state of nature as described in his *Second Treatise*. On this theme, see Forster, *The Contested Public Square*, 184.

⁴² Baker, *Political Thought*, 31. Dunn notes that Locke’s state of nature was designed to show “not what men are like but rather what rights and duties they have as the creatures of God.” Dunn, *Locke*, 53.

⁴³ Whatever its merits, the rise of Protestantism destabilized the nations of Europe. Like Locke, both Hobbes and Rousseau also constructed their political theories in view of the unrelenting religious wars that raged across Europe following the Reformation. At a time when church and state were intimately connected, and often intertwined, both warfare and persecution were regularly employed by the state in service to religion. In the face of such tumult, many philosophers began seeking an alternative vision of the state separate from fixed religious foundations that could insulate the state from ecclesiastical controversies. For the social contract theorists, the state of nature offered such a means to reconsidering the foundations and purpose of government. For an excellent treatment of the religious wars of Europe and Great Britain in the early modern period, see Wayne P. Te Brake, *Religious War and Religious Peace in Early Modern Europe*, Cambridge Studies in Contentious Politics (Cambridge; New York, NY: Cambridge University Press, 2017). See also, Mark W. Konnert, *Early Modern Europe: The Age of Religious War, 1559-1715* (Toronto: University of Toronto Press, 2008).

⁴⁴ Thomas Hobbes, *Leviathan*, ed. Crawford B. Macpherson, Reprint., Penguin Classics (London: Penguin Books, 1988), 186. For Rousseau’s classic work on the social contract, which depicts man in the state of nature as a noble savage, enjoying a more positive experience prior to government, see Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch, 2nd ed., Cambridge Texts in the History of Political Thought (Cambridge; New York, NY: Cambridge University Press, 2018).

superior strength or intellect, even inferior men have opportunities to kill a stronger man. And because Hobbes was convinced that all men are fundamentally ruled by their passions, he saw the state of nature as so unpredictably lethal that the state of nature was actually a state of war—a free-for-all where any man is free to do as he pleases, contingent only upon his own abilities or the will of another to stop him.⁴⁵

Locke’s version of the state of nature was quite different from that envisioned by Hobbes. For Locke, the state of nature was not necessarily the state of total war posited in *Leviathan*. Instead, he imagined it to be a place where human beings lived “with an awareness of God and his natural law.”⁴⁶ Locke believed that men in the state of nature would have a naturally strong sense of morality. As rational beings created by God, Locke argued human beings would recognize that “[t]he state of nature has a law of nature to govern it.”⁴⁷ In Locke’s reckoning, men and women in the state of nature would be guided by their ability to reason and would thus be able to discern moral principles from the natural law.

Natural Law

But what is the natural law? Philosopher J. Budziszewski argues that the natural law has been understood as something that is “built into the design of human nature and woven

⁴⁵ For more on Hobbes’ historical context, including the development of his state of nature theme, see Jean Hampton, *Hobbes and the Social Contract Tradition*, 1st paperback ed. (Cambridge; New York, NY: Cambridge University Press, 1988). For an exploration of Hobbes’ political philosophy in connection with the classical moral tradition, see Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair, 6th ed. (Chicago, IL; London: University of Chicago Press, 1973).

⁴⁶ Baker, *Political Thought*, 37.

⁴⁷ Locke, *Two Treatises of Government*, 275.

into the fabric of the normal human mind.”⁴⁸ Dunn argues Locke understood the law of nature to be “the binding law of God, on which ... all human rights rested and the bulk of human duties more or less directly derived.”⁴⁹ Thomas further clarifies Locke’s view of the natural law as “laws in accordance with which human conduct ought to occur, not laws in accordance with which people always do act.”⁵⁰

Locke argued the law of nature was the law of reason, which reflected the moral system God embedded in the world at creation. Locke believed that mankind exists as a creature unique from everything else in creation. Chief among the things which separate mankind from the rest of creation is man’s ability to reason, and as an empiricist Locke argued that it is through reason that the natural law is “intelligible and plain.”⁵¹

Fundamentally, Locke believed that God had designed both humanity and the world in such a way that certain basic moral principles are apparent to all people through the simple use of reason. These basic principles of morality are known as the natural law. This explains why Locke believed that humanity’s understanding of morality is directly connected to the ability to reason. He was so convinced of the intelligibility of these universal moral principles known as the natural law that he argued it was easier for

⁴⁸ J. Budziszewski, *What We Can’t Not Know: A Guide*, Revised and expanded. (San Francisco, CA: Ignatius Press, 2011), 15.

⁴⁹ Dunn, *Locke*, 36.

⁵⁰ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 15.

⁵¹ Locke, *Two Treatises of Government*, 275. To understand the role of natural law in the liberal tradition, including a defense of its usefulness against the criticisms of contemporary liberal theorists, see Christopher Wolfe, *Natural Law Liberalism* (Cambridge: Cambridge University Press, 2009). For a treatment of the natural law tradition as a ground for religious freedom, see J. Daryl Charles, *Natural Law and Religious Freedom: The Role of Moral First Things in Grounding and Protecting the First Freedom* (New York, NY: Routledge, 2019). For a consideration of the role of natural law in the Christian tradition, see J. Daryl Charles, *Retrieving the Natural Law: A Return to Moral First Things*, A Critical Issues in Bioethics Series Book (Grand Rapids, MI: William B. Eerdmans, 2008). For an examination of Locke’s empiricism, see Douglas Odegard, “Locke As An Empiricist,” *Philosophy* 40.153 (1965): 185–96.

rational beings to know and understand the natural law through reason than to know and understand positive laws enacted through the “Contrivances of Men.”⁵² In other words, Locke was convinced that mankind can be moral *because* mankind is rational. And as a corollary, he believed “to live in accord with morality is to live according to reason.”⁵³

Locke noted several features of the natural law.⁵⁴ First, it is universal. All men have access to the natural law, and the natural law applies to all men in all places at all times. Second, the law of nature is accessible through reason. It is through the use of their rational capacities that human beings come to know the natural law. Third, the natural law is the law of God, with which God expects human beings to conduct themselves in accordance. Therefore, in Locke’s view, natural laws are God’s laws for human beings.

For Locke, the law of nature is built upon a fundamental law. In the *Second Treatise*, he states his understanding of this fundamental law as follows: “The fundamental law of nature being that all, as much as may be, should be preserved.”⁵⁵ Locke argues that the fundamental law of nature revolves around the preservation of human life. He states as a primary rule for human conduct that all human life should be preserved, to whatsoever degree is possible. And though he argues that this truth is apparent through the use of reason, it is significant that he does not hesitate to explicitly ground the same principle in a theological concept:

For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose

⁵² Locke, *Two Treatises of Government*, 275.

⁵³ Baker, *Political Thought*, 38.

⁵⁴ I am indebted to Thomas for this summary of the features of Locke’s approach to the natural law. Cf. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 15–17.

⁵⁵ Locke, *Two Treatises of Government*, 391.

Workmanship they are, made to last during his, not one anothers [sic] Pleasure.⁵⁶

Locke's theological grounding of the fundamental law of nature is straightforward: Because mankind is the workmanship of God, their lives belong to him and their conduct is to accord with the rules God has set forth, which are the natural laws ingrained in creation for the "peace and preservation of all mankind."⁵⁷ As Locke explains, this fundamental law entails that no human being has the right to destroy his own life, nor to destroy the life of another unjustly.⁵⁸

Characterizing the duty to preserve life as the fundamental natural law is significant because it allows Locke to assert and defend the existence of derivative laws of nature. As Thomas explains, a "derivative law of nature can be shown to be rationally necessary, given the fundamental law of nature."⁵⁹ Because the fundamental goal is the preservation of human life, Locke is able to establish through a derivative or subsidiary law of nature that "no one ought to harm another in his Life, Health, Liberty, or Possessions."⁶⁰ To do otherwise, Locke argues, would either directly threaten another's life or indirectly threaten the same by endangering the health or safety of the one deprived of such goods. Therefore, Locke understands the protection of certain goods—as he states elsewhere life, liberty, and property—as duties of the natural law.⁶¹

⁵⁶ Locke, *Two Treatises of Government*, 271.

⁵⁷ Locke, *Two Treatises of Government*, 271.

⁵⁸ Cf. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 18.

⁵⁹ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 17.

⁶⁰ Locke, *Two Treatises of Government*, 271.

⁶¹ It should be noted that in this examination of Locke's contract theory, his discussion of property receives only a cursory treatment. While property is undoubtedly a significant factor in Locke's political thought articulated in *Two Treatises*, a detailed discussion of Locke's views of property as such is extraneous to the subject being explored in this thesis. For a closer examination of this theme in Locke, see

Natural Rights

Before returning to Locke's state of nature, it is also necessary to understand his conception of natural rights. Though natural rights are often juxtaposed to natural laws in political philosophy, for Locke natural rights "are simply rights conferred upon persons by the laws of nature."⁶² His assertion that "every man has a property in his own person" indicates that he understands natural rights to be, in essence, rights of self-ownership.⁶³ This is significant because Locke operates from a dual understanding of natural rights.

First, mankind is God's workmanship. Locke therefore believes that each person's life *belongs to God*. This explains why Locke argues that there are specific limitations upon what one may do even with his or her own body, such as enslave or kill oneself.⁶⁴

Second, and at the same time, Locke also believes in a right to self-ownership meaning that every person's life *belongs to himself*. This explains why Locke argues that there are

John F. Henry, "John Locke, Property Rights, and Economic Theory," *J. Econ. Issues* 33.3 (1999): 609–24; B. Jeffrey Reno, "Private Property and the Law of Nature in Locke's Two Treatises: The Best Advantage of Life and Convenience," *Am. J. Econ. Sociol.* 68.3 (2009): 639–63.

⁶² Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 19 (emphasis mine). As with the discussion of Locke's view of natural law, this section on natural rights is dependent substantially upon the work of Thomas. For more on Locke's dual understanding of natural rights, see Zuckert, *Launching Liberalism*, 4–5. See also, Manent who argues that Locke's primary intention in *Two Treatises* was to "attach rights directly to the solitary individual from the state of nature," Pierre Manent, *An Intellectual History of Liberalism*, trans. Rebecca Balinski, 3rd ed., New French Thought (Princeton: Univ. Press, 1996), 42. For Manent's expanded reflection of natural rights and natural law in the liberal tradition, see Pierre Manent, *Natural Law and Human Rights: Toward a Recovery of Practical Reason*, trans. Ralph C. Hancock, Catholic Ideas for a Secular World (Notre Dame, IN: University of Notre Dame Press, 2020). For a dissenting opinion toward the Enlightenment tradition of natural rights, see Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed. (Notre Dame, IN: University of Notre Dame Press, 2007). For a contemporary perspective on natural rights and justice, see Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2008).

⁶³ Locke, *Two Treatises of Government*, 287.

⁶⁴ As Locke states, "For a Man, not having the Power of his own Life, cannot, by Compact, or his own Consent, enslave himself to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it." Locke, *Two Treatises of Government*, 284.

limits to what one individual may do to another, specifically why no man is to be deprived of his life, liberty, or property at the hands of another human being. Finally, it should also be noted that natural rights may only arise from derivative laws of nature. As Thomas points out, “the fundamental law of nature only specifies an end to be achieved by the body of natural laws. It does not itself directly state what precepts we are to follow.”⁶⁵ Therefore, each of man’s natural rights emanate from the laws of nature derived from the fundamental law concerning the preservation of human life.

State of Nature – Part II

With this understanding of Locke’s views of natural law and natural rights in place, consider his description of the state of nature:

The *State of Nature* has a Law of Nature to govern it, which obliges every one, and Reason, which is that Law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty or Possessions; for Men being all the Workmanship of one Omnipotent and infinitely wise Maker; All the servants of one Sovereign Master, sent into the world by His order and about His business; they are His Property, whose workmanship they are made to last during His, not one another’s Pleasure. And, being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such Subordination among us that may Authorize us to destroy one another, as if we were made for one another’s [sic] uses, as the inferior ranks of Creatures are for ours. Every one as he is *bound to preserve himself*, and not to quit his Station willfully; so by the like reason, when his own Preservation comes not in competition, ought he, as much as he can *to preserve the rest of Mankind*, and not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, the Liberty, Health, Limb, or Goods of another.⁶⁶

⁶⁵ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 18 (emphasis original).

⁶⁶ Locke, *Two Treatises of Government*, 271.

Locke sets forth a number of key points in this passage. As mentioned above, he asserts that men, even in the state of nature, are governed by the law of nature, which is the law of reason. Further, he clarifies both the universal scope of the natural law and its accessibility in the phrase “teaches all mankind who will but consult it.” But here Locke also asserts something significant in terms of anthropology. He regards mankind, in the state of nature as “equal and independent,” and prior to the section quoted above adds that men are also by nature “in a State of perfect Freedom.”⁶⁷

It has already been established that Locke considers men to be bound by the law of nature in terms of their conduct. Thus, in describing men as free, equal, and independent, Locke is not arguing that men are at liberty to do anything they desire, but that all men are free to do “anything within the bounds of the law of nature.”⁶⁸ As Locke states, “though this be a State of Liberty, yet it is not a State of License.”⁶⁹ Similarly, consider what Locke means in terms of equality. In what sense are men equal in the state of nature? For Locke, the answer is that “everyone in the state of nature has the same set of natural rights.”⁷⁰ Because natural rights are established according to the laws of nature, it is apparent that Locke not only understands all men to have equal access to the natural

⁶⁷ Locke, *Two Treatises of Government*, 269.

⁶⁸ Locke, *Two Treatises of Government*, 269. Specifically, Locke states that men in the state of nature enjoy “a State of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave or depending upon the Will of any other Man.”

⁶⁹ Locke, *Two Treatises of Government*, 270. Locke’s understanding of the state of nature being guided by God’s natural law was undoubtedly drawn from a Christian framework. For an examination of the influence of Christian theology on Locke’s egalitarian approach to the state of nature, as well as his broader political theory, see Jeremy Waldron, *God, Locke, and Equality: Christian Foundations of John Locke’s Political Thought* (Cambridge; New York, NY: Cambridge University Press, 2002). See also, Bruce A. Hunt, “Locke on Equality,” *Polit. Res. Q.* 69.3 (2016): 546–56.

⁷⁰ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 20.

law—through the use of reason—but equal possession of natural rights. Finally, Locke’s third descriptive category for mankind in the state of nature is “independence.”

Remembering that Locke aimed to establish a theory of legitimate political authority, his assertion that all men are naturally independent and subordinate to no authority, as well as free and equal, creates an obvious barrier to the establishment of legitimate government. Locke must then explain for what reason one would jettison his or her independence and willfully submit to the authority of government.

Community

Locke’s liberal theory of government is often criticized for its undue elevation of the individual. But as Zuckert notes, “Locke’s state of nature is not what it is often taken to be, an affirmation of an ahistorical, asocial atomistic individualism.” Further, he adds, “Locke not only can but does accept many of the claims of our contemporary communitarians about the social rootedness of humanity.”⁷¹ By this, Zuckert intends to dismiss the mischaracterizations of Locke’s philosophy as singularly focused up the rights of the individual. Certainly, Locke focuses a great deal upon individual liberties, however, he does so in view of the reciprocal nature of such rights (e.g. threats to the rights of one person are actually threats to the entire community).

Locke does not see individual rights as being at odds with man’s natural desire for community. Nor does he assume that mankind in the state of nature would choose to live isolated and solitary lives. In fact, he appeals—if only in part—to the idea of community

⁷¹ Zuckert, *Launching Liberalism*, 7. Locke suggests that man’s natural longing for community is a part of his creational design noting that from the beginning “it was not good for him to be alone.” Locke, *Two Treatises of Government*, 318.

to explain why men would choose to exit the state of nature and submit to government at all. According to Locke, men seek to “unite into a *community* for their comfortable, safe, and peaceable *living one amongst another*, in a secure enjoyment of their properties.”⁷²

Clearly, Locke understands that the formation of community is not only a necessity but a benefit of men and women banding together to exit the state of nature. But in order to understand the genesis of Locke’s political community, it is necessary to consider the issues that arise among men in Locke’s state of nature.

As Thomas correctly notes, the law of nature is a normative law, providing instruction for how people should behave.⁷³ The law of nature on its own, does nothing to restrain inappropriate behavior. It is precisely this ability, to transgress the law of nature, that Locke sees as the fatal flaw in the state of nature he describes. Though he rejects the Hobbesian vision of total war, Locke acknowledges that individuals in the state of nature will inevitably violate the natural rights of others—events that could certainly lead to a state of war. What then does Locke see as the remedy to such violations? His solution is the “executive power of the law of nature,” which is a critical feature of Locke’s theory of legitimate government authority.⁷⁴ In the event that an individual’s natural rights are violated in the state of nature, which occurs when an offender violates the natural law, the individual whose rights were violated must exercise the executive power of the law of nature to obtain redress.

⁷² Locke, *Two Treatises of Government*, 331 (emphasis mine).

⁷³ Cf. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 20.

⁷⁴ Cf. Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 20.

There are three aspects to the executive power of the law of the nature. First, it is possessed by every individual, and all people have the right to judge for themselves what “actions are and are not in accordance with the laws of nature.” Second, each person has by nature “the right to restrain attempts to violate the law of nature, using force if necessary.” Finally, every individual also has the right to judge “what is the appropriate punishment, and to attempt to impose that punishment” upon those they deem to have violated the law of nature.⁷⁵

The burden and responsibility for judging offenses and meting out punishment is significant for numerous reasons. Among the first is that human beings tend to be poor judges of their own circumstances. Another obvious difficulty is that even when the nature of the offense is clear, few people are well-equipped to effectively punish offenders. Such difficulties, Locke supposed, would ultimately lead to the demise of the state of nature and the eventual formation of government. As Locke states, “God has certainly appointed Government to restrain the partiality and violence of Men. I easily grant that *Civil Government* is the proper remedy for the Inconveniences of that the State of Nature, which must certainly be Great.”⁷⁶

⁷⁵ Thomas, *Routledge Philosophy Guidebook to Locke on Government*, 21.

⁷⁶ Locke, *Two Treatises of Government*, 276. Locke recognizes the burdens of living in the state of nature and suggests that men would not do so indefinitely. In his view, individuals would eventually come together to form political societies in order to escape the “inconveniences” of the state of nature. But once again, Locke rejects the Hobbesian approach that understands the state of nature to create such misery and dread among men that *any* alternative social and political arrangement—such as the all-powerful sovereign depicted in *Leviathan*—would be preferable to it. Indeed, Locke strongly dissented to the idea that men would choose inferior government to natural liberty. As he wrote of the capricious rule of absolute monarchs, “Much better is it in the State of Nature wherein Men are not bound to submit to the unjust will of another.”

Contract

Locke envisions the movement, via contract, from the state of nature to the establishment of civil government to take place in two distinct stages.⁷⁷ Both stages are predicated upon the consent of the people. Regarding the first stage, Locke explains that it is only through mutual agreement to a specific form of contract (compact) that men may exit the state of nature to form a new political community. As he states, “For ‘tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one Body Politick.”⁷⁸ It is important to note that this step does not yield civil government but merely a “Political or Civil Society,” which Locke also refers to as a commonwealth. At this stage, men in the state of nature mutually (and willfully) determine to enter the bonds of community by forfeiting their executive power of the law of nature.⁷⁹ Taking such action according to Locke, “*puts men out of a State of Nature and into that of a Commonwealth, by setting up*

⁷⁷ If Locke’s state of nature is to be replaced by civil government, it will not be the terrible “sovereign” Hobbes described as Leviathan. In Hobbes’ vision, to escape the violent and terrible state of nature the people make a one-time, permanent contract with the sovereign, granting the sovereign total and irrevocable power. Locke’s solution to the pains and terror of the state of nature is much more nuanced, leading to a very different approach to government. Far from an all-powerful sovereign, Locke intentionally sets forth an approach to the formation of government that drastically curtails its authority over the lives of its citizens.

⁷⁸ There are two additional items to note here. First, Locke regularly employs the word compact rather than contract, but the terms are synonymous. Second, he clearly states that men in the state of nature may make other kinds of compacts or agreements without assuming the bonds of political relationships. This presumption of cooperation among men discredits some of the assumptions about Locke’s vision of mankind in the state of nature as isolated individuals. Further, it is important because Locke is clear that in order to exit the state of nature, men must consent by mutual agreement to a specific form of social contract specifically intended to form political ties, “For Truth and keeping of Faith belongs to Men, as Men, and not as members of Society,” Locke, *Two Treatises of Government*, 277. For a discussion of express and tacit consent in Locke’s *Second Treatise*, see John Dunn, “Consent in the Political Theory of John Locke,” *Hist. J.* 10.02 (1967): 153–82. For criticisms of Locke’s approach to tacit consent, see Julian H. Franklin, “Allegiance and Jurisdiction in Locke’s Doctrine of Tacit Consent,” *Polit. Theory* 24.3 (1996): 407–22.

⁷⁹ As Locke states, men are united into this new community when each one determines to “quit every one his Executive Power of the Law of Nature, and to resign it to the publick” Locke, *Two Treatises of Government*, 325.

a Judge on Earth, with Authority to determine all the Controversies, and redress the injuries, that may happen to any Member of the Commonwealth.”⁸⁰

The benefit of this arrangement is apparent. Men in civil society no longer bear the burden of individually enforcing the law of nature. As members of an established community, they can enjoy more stability and security than they would as independent beings in the state of nature. Rather than depending upon each individual to execute justice, “the Community comes to be Umpire, by settled standing Rules, indifferent, and the same to all Parties; and by Men having Authority from the Community for the execution of those Rules.”⁸¹ Together, the community takes up the responsibility of executing the law of nature: “Those who are united into one Body, and have a common establish’d Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, *are in Civil Society* with one another.”⁸² Locke sees the forfeiture of rights on the part of the people as being intentionally limited to the executive power of the law of nature. For Locke, political bonds are formed in order to protect natural rights.

This leads to the second stage of Locke’s social contract. With the community now responsible for upholding justice, the community must also agree upon the means of executing its collective responsibility. Locke argues that because the community is to be understood as one body, it imperative that the body move in one direction. Moreover,

⁸⁰ Locke, *Two Treatises of Government*, 325.

⁸¹ Locke, *Two Treatises of Government*, 324.

⁸² Locke, *Two Treatises of Government*, 324 (emphasis original). Locke’s divergence with Hobbes at this point is critical. Besides occurring in two stages, Locke’s contract theory rejects the idea that the people unconditionally surrender their rights upon entering into the social contract.

because it is a near impossibility to regularly obtain unanimous consent, he argues that the key to determining the actions or direction of the body is “the consent of the majority.”⁸³ Stage two of Locke’s contract involves the majority, acting on behalf of the whole, establishing government for the community.

To summarize both stages of Locke’s social contract: Men must not only consent as individuals to the original compact to exit the state of nature, but the resulting community must obtain the consent of the majority in order to take action and form a government on behalf of its members. According to Locke, an action of the majority is rightly considered “an act of the whole.”⁸⁴ Apart from this, Locke asserts, “it is impossible it should act or continue [as] one Body, *one Community*, which the consent of every individual that united into it, agreed that it should; and so everyone is bound by that consent to be concluded by the *majority*.”⁸⁵ All of this, in Locke’s understanding, follows from the original compact:

[E]very Man by consenting with others to make one Body Politick under one Government, puts himself under an obligation to every one of that Society to submit to the determination of the *majority*, and to be concluded by it, or else this *original Compact*, whereby he and others incorporates into one *Society*, would signify nothing and be no Compact.⁸⁶

Most importantly, if in the first step of Locke’s social contract men agree to exit the state of nature by forming a political community, it is only through the second step—where the majority acts to establish government—that political authority is introduced. As Locke

⁸³ Locke, *Two Treatises of Government*, 332. For a discussion of Locke’s majoritarianism in view of his commitment to natural rights, see Jaqueline Stevens, “The Reasonableness of John Locke’s Majority: Property Rights, Consent, and Resistance in the Second Treatise,” *Polit. Theory* 24.3 (1996): 423–63.

⁸⁴ Locke, *Two Treatises of Government*, 332.

⁸⁵ Locke, *Two Treatises of Government*, 332 (emphasis original).

⁸⁶ Locke, *Two Treatises of Government*, 332.

explains, it is the majority, acting on behalf of the whole, that establishes government to order the lives and affairs of the community, “the beginning of Politick Society depends upon the consent of the Individuals ... who, when they are thus incorporated, might set up what form of government they thought fit.”⁸⁷

Legitimate Authority

Locke opens the eighth chapter of his *Second Treatise* with these words, “Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own *Consent*.”⁸⁸ In setting forth his social contract, Locke has established under what conditions free men and women can become the legitimate subjects of political power. At both stages of his contract, consent is the key principle and Locke’s sole basis for establishing legitimate political authority. As Korab-Karpowicz explains:

The government that Locke proposes, whether monarchic or democratic, is founded on consent and exercises its power in trust. It lays claim to its authority on the basis of both the individuals’ initial consent to be members of a political community and their subsequent consent to the way in which the established political institutions are operated.⁸⁹

In view of this, it is all the more significant that Locke opens the *Two Treatises* with the word “slavery,” which he describes as a “vile and miserable” estate of man.⁹⁰ For Locke, there are but two modes of obtaining a person’s cooperation under government: consent

⁸⁷ Locke, *Two Treatises of Government*, 337.

⁸⁸ Locke, *Two Treatises of Government*, 330.

⁸⁹ Korab-Karpowicz, *On the History of Political Philosophy*, 202.

⁹⁰ Locke, *Two Treatises of Government*, 141.

or coercion.⁹¹ In Locke's view, coercion unto political submission is a violation of the natural rights of men. Locke's *Two Treatises* aims to establish that a government founded apart from consent is not legitimate but tyrannical. And in his *Second Treatise*, he argues that since the political community that establishes and authorizes government does not exist by coercion or force, both necessarily exist solely on the basis of consent.⁹² Thus it is consent that lies at the foundation of Locke's social contract theory and through which he explains the origins of legitimate political authority.

Implications of Locke's Contract Theory

Before turning to critical appraisals of the social contract tradition, it is necessary to consider several important implications of Locke's theory.⁹³ First, it is important to recognize that even after the formation of government, Locke maintains the distinction between civil society and the state. He defends popular sovereignty, that the civil society—that is the people comprising the political community—retain “supreme power.”⁹⁴ Second, Locke is clear that government holds power over and on behalf of the community as a trust. To exercise legitimate political authority, the government must remain accountable to the people and maintain its ongoing consent. Third, because the government holds its power as a trust from the people, its authority is necessarily limited in scope. The role of government is to maintain the “the *Peace, Safety and publick good*

⁹¹ Cf. Forster, *The Contested Public Square*, 188. See also Greg Forster, *John Locke's Politics of Moral Consensus*, 1st paperback ed. (Cambridge: Cambridge University Press, 2011), 225–30.

⁹² Cf. Forster, *The Contested Public Square*, 189.

⁹³ This list of implications is largely constructed from insights set forth by Korab-Karpowicz, *On the History of Political Philosophy*, 201.

⁹⁴ Korab-Karpowicz, *On the History of Political Philosophy*, 201.

of the People,” which Locke sees as protecting the natural rights of men, namely to life, liberty, and property.⁹⁵ Fourth, he argues that any legitimate government is based upon consent and that consent is obtained through the will of the majority.⁹⁶ He also argues that absolute monarchy is necessarily an illegitimate form of political authority because it removes the need for the people’s consent. Finally, Locke asserts what Hobbes denies: that a government which violates its trust becomes illegitimate, and therefore justifies the community withdrawing its consent—even, if necessary, through rebellion or revolution.

Summary

Having presented this examination of Locke’s development of the social contract, a brief summary of the logic of the contract will now be provided. Locke utilizes the social contract to understand the nature of an individual’s political obligations and to account for the existence of legitimate political authority. To consider these questions, he begins with the state of nature, where he imagines human life in a pre-political environment. In the state of nature, humanity has a knowledge of God and of the natural law, which informs the moral beliefs of all people. Even apart from government, people in the state of nature enjoy certain natural rights. Such rights emanate from the natural law.

Though Locke’s state of nature is presented as a mixture of peace and discord, not a permanent state of war, he nonetheless imagines it to be full of inconveniences and potential threats to the people’s natural rights. Thus, in Locke’s view, to escape these

⁹⁵ Locke, *Two Treatises of Government*, 353.

⁹⁶ Despite the fact that Locke does not defend democracy as the sole or necessary form of legitimate government, he does argue that government power should be divided between a legislative and executive, with the legislative holding power superior to the executive. Cf. Locke, *Two Treatises of Government*, 355–74.

inconveniences—specifically, dealing with violators of the natural law that threaten their lives, liberties, and property—human beings would eventually come together via contract to form a community to better secure these rights. In so doing, members of the contract agree to exit the state of nature, and—implicit in their agreement to the contract—the people also agree to become subjects of a common government. But in order to ensure that life under government is not less desirable than life in the state of nature, any government formed by the social compact is to be administered according to the consent of the majority, with the narrowly tailored mandate of upholding justice and protecting natural rights, which Locke characterizes as peace, safety, and the public good.⁹⁷

Critiquing Contract Theory

In the more than three hundred years since Locke’s social contract theory became known through the publication of *Two Treatises*, it has been the subject of vast critique and debate. Indeed, if as Ernest Barker contends, “the century which lies between the publication of Hobbes’s *Leviathan* in 1651 and Rousseau’s *Du Contrat Social* in 1762” marked “the great age of the doctrine of the Social Contract,” the intervening years have brought not celebration but immense scrutiny to bear upon the tradition.⁹⁸ Yet in addition to critique, the contract tradition advanced by Hobbes, Locke, and Rousseau, was also furthered through the work of later political philosophers, notably Immanuel Kant in the nineteenth century and John Rawls in the twentieth century.

⁹⁷ For a contemporary and popular defense of Locke’s social contract and the political theory advanced in *Two Treatises*, see Goldberg, *Suicide of the West*. See also, Joseph Loconte, “The Future of Freedom in the Era of Dictatorial Rule,” January 2020, <https://nationalinterest.org/feature/future-freedom-era-dictatorial-rule-111276>.

⁹⁸ Locke, Hume, and Rousseau, *Social Contract*, xi.

Between the time of Kant and Rawls, it was assumed by many political philosophers of the twentieth century that the contract tradition had become a relic of the past. But Rawls, perhaps the greatest American political philosopher of his time, with his “original position” articulated in *A Theory of Justice*, singlehandedly revived contract theory for modern political discourse—albeit in a significantly revised form.⁹⁹ Before attempting to bring Locke’s version of the social contract into conversation with the Baptist tradition, it is necessary to explore a few notable critiques of contract theory itself, giving attention to Locke’s theory where appropriate.¹⁰⁰ To this end, the following section considers four important critiques of social contract theory in the modern age.¹⁰¹

Hume and Burke

In the eighteenth century, the Scottish philosopher David Hume offered a substantial refutation of the idea that “a social contract is necessary for there to be rightful political authority.”¹⁰² Brownsey groups Hume’s critiques of contract theory into three categories. According to Brownsey, Hume argued “that hardly any social contracts are discernable in

⁹⁹ Cf. John Rawls, *A Theory of Justice*, revised ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999). See also, Immanuel Kant, *Metaphysical Elements of Justice: Part I of The Metaphysics of Morals*, trans. John Ladd, 2nd ed. (Indianapolis, IN: Hackett Publishing Co., 1999). For an detailed look at the development of contract theory across the centuries, David Boucher and P. J. Kelly, eds., *The Social Contract from Hobbes to Rawls* (London; New York, NY: Routledge, 1994), 1.

¹⁰⁰ It is unclear what, if any, influence early Baptist thought had upon Locke’s thinking about the roles of church and state. For a discussion of Locke’s connection to English Baptists and influence on the Baptist tradition, see Yarnell, “The Baptists and John Locke” in Thomas S. Kidd, Paul D. Miller, and Andrew T. Walker, eds., *Baptist Political Theology* (Nashville, TN: B & H, 2022). An advanced copy of this chapter from the forthcoming volume was made available by the author. For a correction of a common misunderstanding about Locke’s connection to modern Baptists, see Conrad Henry Moehlman, “The Baptists Revise John Locke,” *J. Relig.* 18.2 (1938): 174–82.

¹⁰¹ What follows is a brief overview of four critiques of contract theory. For a more substantial appraisal of the contract tradition, including critiques from modern feminist and communitarian scholars, see Boucher and Kelly, *The Social Contract from Hobbes to Rawls*.

¹⁰² P. F. Brownsey, “Hume and the Social Contract,” *Philos. Q.* 28.111 (1978): 132.

the histories of actual governments,” “that contract theory must be wrong because it conflicts with ordinary people’s views of the subject,” and that people accept moral and political obligations to obey government apart from contracts predicated on consent.¹⁰³ Of these three critiques, Hume’s primary objection to contract theory was its assertion that legitimate authority rested upon consent.

Hume argued that few people in history have ever explicitly offered their consent unto government. Further, he argued that tacit consent—a category Locke employed anticipating this objection—was a wholly insufficient basis upon which to understand political authority. In his *Second Treatise*, Locke wrote, “every Man, that hath any Possession, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his *tacit* Consent.” Further, Locke argued that such men are “as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it.”¹⁰⁴ For Locke, that a person never formally entered into a contract expressing their willful consent to be governed did not necessarily deny the existence of, nor their agreement to, the social contract due to tacit consent. Hume, however, rejected this idea. He argued that people recognize their obligation to obey political authorities not because of a contract but by custom. As Hume wrote in his *Treatise of Human Nature*:

A tacit promise is, where the will is signified by other more diffuse signs than those of speech; but a will there must certainly be in the case, and that can never escape the person’s notice who exerted it, however silent or tacit. But were you to ask the far greatest part of the nation, whether they had ever consented to the authority of their rulers, or promised to obey them, they would be inclined to think very strangely of you: and would

¹⁰³ Brownsey, “Hume and the Social Contract,” 132.

¹⁰⁴ Locke, *Two Treatises of Government*, 348.

certainly reply, that the affair depended not on their consent, but that they were born to such an obedience.¹⁰⁵

In his critique of contract theory, Hume drew attention to a weakness in the tradition, specifically the lack of governments in history founded explicitly upon a contract. Even so, Hume's critique did not destroy the foundations or utility of the contract tradition.

The political thought of Edmund Burke, the father of modern conservatism, was also substantially at odds with social contract theory. As a conservative, Burke was skeptical of the individualism inherent within contract theory and rejected it because he believed the bonds of contract to be too weak a foundation for the richness of political community.¹⁰⁶ Rather than contract, Burke argued the foundation of political community is better understood as a trust, a form of social inheritance that undergirds and sustains every society. Using the language of contract, Burke argued that the device was not expansive enough, "Society is indeed a contract ... a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born."¹⁰⁷ While appreciative of the liberty Locke's contract theory aimed to preserve, Burke saw contract theory as insufficient to account for the obligations that not only connect individuals to one another, but to generations past and future:

¹⁰⁵ David Hume, *Philosophical Works of David Hume* (Germany: Outlook Verlag, 2020), 2:197.

¹⁰⁶ As Roger Scruton, a contemporary disciple of Burke, notes, "For the conservative, human beings come into this world burdened by obligations, and subject to institutions and traditions that contain within them a precious inheritance of wisdom, without which the exercise of freedom is as likely to destroy human rights and entitlements as to enhance them." Roger Scruton, *Conservatism: An Invitation to the Great Tradition* (New York, NY: All Points Books, 2018), 20.

¹⁰⁷ Edmund Burke, *Reflections on the Revolution in France and Other Writings*, Everyman's Library 365 (New York, NY: Alfred A. Knopf, 2015), 698. For a helpful biography of Burke including his political philosophy of conservatism and beliefs about human rights, see Jesse Norman, *Edmund Burke: The First Conservative* (New York, NY: Basic Books, 2015). For a more recent articulation of Burkean conservatism, see Roger Scruton, *A Political Philosophy: Arguments for Conservatism* (London: Bloomsbury, 2019).

Each contract of each particular state is but a clause in the great primæval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place.¹⁰⁸

While insufficient for Burke, Locke's contract theory did recognize the importance of government holding its authority as a trust from the people. Burke, however, rightly identified the weakness of political bonds under certain forms of liberal democracy.

Hegel and Marx

As with Hume, Hegel was also a significant critic of social contract theory. In fact, Hegel was credited "by an earlier generation of political theorists ... as the philosopher who had most effectively undermined the doctrine's credibility."¹⁰⁹ Hegel dissented from social contract theory due to its abstract nature, insisting that a progressive historical process better explained the rise of cultures, practices, and institutions, including government. In his *Philosophy of Right*, he criticized the social contract as a wholly inadequate basis for understanding the nature of political obligations. Rather than the state of nature, Hegel argued "the community, and the state which expresses the identity of that community, logically and actually precedes the individual constituents of the community."¹¹⁰ In other words, the social contract cannot assist one in discovering the nature of political

¹⁰⁸ Burke, *Reflections on the Revolution in France and Other Writings*, 509. Burke's response to the French Revolution demonstrated his concerns about any measure to weaken social and political ties.

¹⁰⁹ Boucher and Kelly, *The Social Contract from Hobbes to Rawls*, 149.

¹¹⁰ Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 2011), 138. See also, Boucher and Kelly, *The Social Contract from Hobbes to Rawls*, 149. For a primer on Hegel's dialectic, see Shao Kai Tseng, *G.W.F. Hegel, Great Thinkers* (Phillipsburg, NJ: P&R Publishing Company, 2018).

obligations because “the individual is already by nature a citizen of the state.”¹¹¹ Hegel’s dialectic concerning historical forces clearly influenced his critiques of social contract. Still, Locke did address these issues in articulating the social contract. He recognized the historical process by which existing governments had been formed, while employing the social contract to reconsider how future governments *should be* formed.¹¹²

Finally, the philosophy of Karl Marx was also at odds with social contract theory. By the time Marx “embarked on his career as a social theorist,” the golden age of social contract theory was nearly fifty years concluded.¹¹³ Lawrence Wilde asserts that Marx was not as focused on critiquing “liberal political theory” as much as “liberal political economy,” but that the formulations of the social contract theorists were “incompatible” with Marx’s whole approach to social theory. Wilde notes three aspects of Marx’s method that “clashed with the assumptions of the social contract tradition.”¹¹⁴ The first was social contract’s focus upon the individual. As Wilde explains, Marx “considered the idea of the atomized individual coming into society as a contracting agent to be an ideological fiction.” Second, Marx believed that the “formal freedoms of liberal society masked the denial of human freedom for the mass of workers.” In other words, Marx found the contract’s guarantee of freedom to offer insufficient protection to mankind as social beings with creative capacities. Third, Marx had objected to the “abstract” nature of social contract theory, seeking instead to establish his social theory upon empirically

¹¹¹ Hegel, *Elements of the Philosophy of Right*, 106.

¹¹² Cf. Jeremy Waldron, “John Locke: Social Contract versus Political Anthropology,” *Rev. Polit.* 51.1 (1989): 3–28.

¹¹³ Boucher and Kelly, *The Social Contract from Hobbes to Rawls*, 165. For a primer on the political thought of Marx, see William D. Dennison, *Karl Marx*, Great Thinkers (Phillipsburg, NJ: P&R Publishing, 2017).

¹¹⁴ Boucher and Kelly, *The Social Contract from Hobbes to Rawls*, 165.

grounded research. Marx's critiques of contract theory are directly addressed in Locke's *Second Treatise*. In articulating the social contract, Locke specifically sought to address both the individual and community. Further, the goal of Locke's social contract was to protect man's natural rights to live according to his nature, which he based upon his survey of human governments throughout history.

Evaluation of Critiques

Each of the four critics of social contract theory surveyed here offer important critiques of the tradition. The force of these critiques corrects the historical claims Locke made in defense of his contract theory. Hume was certainly correct to note the absence of historical governments founded upon contract, just as Hegel was correct about the myriad forces at play in the rise of governments throughout history. Yet even if these critiques reveal actual weaknesses in Locke's contract theory in terms of its empirical claims, such critiques do not destroy the utility of Locke's theory as a normative device.¹¹⁵ Similarly, Burke's conservative critique of contract theory rightly identifies that natural social and communal bonds run deeper than the idea of a contract suggests. But even in Burke's reckoning Locke's device may still be employed to determine the legitimate boundaries of government authority. Finally, Marx's critique chastens the individualistic ideologies that some have derived from Locke. But Marx hardly discredits Locke's own version of

¹¹⁵ Even this criticism may not be as potent as it appears. As Jeremy Waldron carefully demonstrates, Locke seems to recognize the distinction between the historical development of societies and the development of political societies from his state of nature. Waldron further points out Locke's effort to establish a moral framework via social contract is still useful as a normative device to determine the nature of political obligations, as Locke intended. Waldron, "John Locke: Social Contract versus Political Anthropology."

the social contract, which gives specific attention to the rights of the individual in light of his natural desire for life as a member of a community.

Conclusion

This chapter has set forth a detailed examination of John Locke's social contract theory in light of Locke's times and context. In doing so, it has established Locke's understanding of the nature of political obligations as well as the proper means of establishing legitimate political authority through the concept of consent. It has also considered and addressed specific challenges to the social contract tradition and ultimately determined that Locke's social contract theory has withstood the scrutiny of these critiques. The next chapter will analyze and critique Locke's social contract theory using the five essential elements of the Baptist view of the state to determine whether Locke's theory holds any utility for articulating a Baptist view of legitimate political authority.

CHAPTER 4 A BAPTIST ANALYSIS AND CRITIQUE OF LOCKE’S SOCIAL CONTRACT

By the time of the American Revolution, Baptists in North America had endured frequent, and sometimes violent, persecution at the hands of their fellow colonists for more than a century. This was particularly true among Baptists in Massachusetts and Virginia who faced constant opposition from the state-established churches in those colonies.¹ As a Revolutionary-era Baptist with ties to both New England and Virginia, John Leland was a staunch opponent of religious establishments. In his most famous work, *The Rights of Conscience Inalienable*, he inveighed against state-supported religion, “These establishments metamorphose the church into a creature, and religion into a principle of state, which has a natural tendency to make men conclude that *Bible*

¹ “The two most celebrated confrontations over religious establishment and religious liberty took place in Massachusetts and Virginia.” Matthew L. Harris and Thomas S. Kidd, eds., *The Founding Fathers and the Debate Over Religion in Revolutionary America: A History in Documents* (Oxford; New York, NY: Oxford University Press, 2012), 12. Among the most disturbing of these clashes between Baptists and state government took place nearly a decade before the founding—the whipping of Obadiah Holmes in 1651. After failing to observe the established Puritan religion in Massachusetts, Holmes was lashed thirty-nine times with a three-corded whip. Clarke, a Baptist minister who was with Holmes at the time, chronicled the saga in Clarke, *Ill Newes from New-England*. See also, Nettles, *The Baptists*, 2:45. Isaac Backus also wrote extensively about the harsh treatment of Baptists by authorities in Massachusetts in Backus, *A History of New-England: With Particular Reference to the Denomination of Christians Called Baptists*. Likewise, Steven Waldman notes that there were more than 150 “major attacks against Baptists in Virginia between 1760 and 1778,” Waldman, *Sacred Liberty*, 1. And on persecution in Virginia, James Madison wrote to William Bradford in 1774, “That diabolical, hell-conceived principle of persecution rages among some; and to their eternal infamy ... This vexes me the worst of anything ... I am without common patience. So I must beg you to pity me, and pray for liberty of conscience to all.” See, James Madison, *The Papers of James Madison*, ed. Robert A. Rutland and William M. E. Rachal (Chicago, IL: University of Chicago Press, 1962), 1:104–8. In addition, Madison also penned a remarkable essay opposing the establishment of religion in Virginia, “Memorial and Remonstrance Against Religious Assessments” James Madison, *The Papers of James Madison*, ed. Robert A. Rutland and William M. E. Rachal (Chicago, IL: University of Chicago Press, 1973), 5:295–306.

religion is nothing but a trick of state.”² This was the heart of Leland’s objection to the intermingling of church and state: such entanglements inevitably led to the corruption of the church. As an advocate of religious freedom, his primary concern was to protect the place of religion in society, so that the church and Christian faith could flourish, free from the interests or influence of the state.³

From the inception of the movement, Baptists have been driven to defend religious freedom and rights of conscience on these same grounds.⁴ Their primary interest in securing protections for religious freedom has always been in service to religion, rather than the state.⁵ Baptists pursued the goal of separation on the basis of their own theology,

² Leland, “The Rights of Conscience Inalienable,” 174 (emphasis original).

³ Speaking to the House of Representatives in Massachusetts in 1811 on the subject of religious freedom, Leland stated, “religious establishments and assessments, serve only to make one part of the community fools, and the other hypocrites—to support fraud, superstition and violence in the earth. Let Christianity stand upon its own basis, it is the greatest blessing that ever was among men; but incorporate it into the civil code and it becomes the mother of cruelties.” John Leland, “Speech,” in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 348.

⁴ Baptists have consistently maintained that the union of church and state harms the church. As James Dunn argued, “When government meddles in religion it always has the touch of mud.” James M. Dunn and Aaron Douglas Weaver, *A Baptist Vision of Religious Liberty and Free and Faithful Politics: The Words and Writings of James M. Dunn* (Macon, GA: Smyth & Helwys, 2018), 32. Quoting the American historian, George Bancroft, George W. Truett said in his 1920 sermon delivered from the steps of the United States Capitol, “Freedom of conscience, unlimited freedom of mind, was from the first the trophy of Baptists.” See, Truett, “Baptists and Religious Liberty.”

⁵ Concerning the Emperor Constantine’s effort to establish Christianity within the ancient Roman empire, Leland wrote, “he did the Christian church more harm than all the persecuting emperors ever did.” Leland, “The Rights of Conscience Inalienable,” 175. Likewise, Truett remarked, “Christ’s religion needs no prop of any kind from any worldly source, and to the degree that it is thus supported is a millstone hanged about its neck.” He went on to say of the establishment of Christianity after Constantine, “The long blighting record of the medieval ages is simply the working out of that idea.” Truett, “Baptists and Religious Liberty,” 72–74. More recently, Russell Moore has said, “A government in the business of running the church, or claiming the church as a mascot of the state, invariably persecutes and drives out genuine religion.” Russell Moore, *Onward: Engaging the Culture Without Losing the Gospel* (Nashville, TN: B & H, 2015), 141.

namely the doctrines of the church and salvation.⁶ They rejected the state's authority to regulate religion or conscience.⁷

Over time, Baptist commitments to rights of conscience and rejection of state interference in matters of faith matured into a robust doctrine of religious freedom. As a result, the doctrine of religious freedom became a key distinctive of the Baptist faith and the separation of church and state became a Baptist ideal. Attesting to this reality, when the Southern Baptist Convention first adopted Baptist Faith and Message as the denomination's confessional in 1925, the statement on religious liberty included the phrases, "Church and state should be separate. The state owes to every church protection and full freedom in the pursuit of its spiritual ends."⁸ It is the contention of this thesis that the Baptist view of religious freedom also requires Baptists to articulate a coherent theory of the state and its authority. To this end, this penultimate chapter will consider the compatibility of John Locke's influential approach to political authority with a Baptist theological framework.

⁶ In terms of ecclesiology, Baptists embraced the idea of a believer's church and therefore sought to disambiguate identification with the church with an individual's identification with the state. In terms of soteriology, Baptists believed that conversion was dependent on an individual's conscious and voluntary action. Thus, they objected to religious practice being regulated or coerced by the state. "English Baptists of the seventeenth century were clear on what makes a true church. They regarded the church as a gathered community of *redeemed* men and women ... Believer's baptism became the symbol of their identification with the risen Christ through the experience of individual conversion." Torbet, *A History of the Baptists*, 55 (emphasis mine). For more on the influence of Baptist views of ecclesiology and soteriology on their doctrine of religious liberty, see chapter two of this thesis.

⁷ As the early English Baptist Thomas Helwys wrote, "For we do freely profess that our lord the king has no more power over their consciences than over ours, and that is none at all. For ... men's religion to God is between God and themselves. The king shall not answer for it. Neither may the king be judge between God and man." Helwys, *The Life and Writings of Thomas Helwys*, 50.

⁸ Lumpkin and Leonard, *Baptist Confessions of Faith*, 519. Those words demonstrate the dual nature of the Baptist doctrine of religious liberty. Baptists not only defend the importance of freedom of conscience and religion, but in defending these freedoms Baptists also advance a specific view of the state. Thus, the Baptist doctrine of religious freedom is not merely a religious doctrine but a political doctrine as well, imposing certain limits on the state's authority and requiring the protection of specific civil liberties.

A Baptist Critique of Locke's Social Contract Theory

The aim of this thesis is to determine the utility of Locke's social contract theory in articulating a Baptist view of legitimate political authority. The second chapter traced the development of the Baptist doctrine of religious freedom from the movement's founding in early seventeenth-century England in the work of John Smyth and Thomas Helwys through the doctrine's mature expression in the work of the American Baptist John Leland at the turn of the nineteenth century. That examination yielded five essential elements of a Baptist view of the state.⁹ Similarly, chapter three presented an examination of the political theory of John Locke in light of his historical and political context. Specifically, the chapter focused on Locke's social contract theory, which is central to his conception of political authority, including Locke's understanding of the nature and role of the state. In order to examine Locke's approach to civil government through a Baptist theological framework, this chapter will now analyze and critique Locke's social contract theory using the five essential elements of the Baptist view of the state presented in chapter two.

Analysis and Critique

In this five-part analysis and critique of Locke's social contract theory, each of the core elements of Locke's social contract presented in the previous chapter will be examined.¹⁰

⁹ The state is established by God and exists to promote justice, punish evil, and order affairs in the civil realm; the state has no authority over the conscience and must make no laws to establish religion, nor coerce religious beliefs; Christians have a duty to obey the state; The state has a duty to protect religious freedom; Church and state must remain separate. A summary and defense of these five elements is found at the conclusion of chapter two of this thesis.

¹⁰ For a summary of Locke's social contract theory, see the concluding section "Summary" in chapter three of this thesis.

This will include Locke’s understanding of the state of nature, natural law, natural rights, community, and legitimate authority. These elements, however, will not be treated sequentially as presented in the previous chapter. Instead, each will be examined in light of its correspondence to any of the five essential elements of the Baptist view of the state. In addition, the implications of Locke’s contract theory noted in the conclusion of the previous chapter will also be considered in the course of this analysis. To enhance this examination, the elements and implications of Locke’s social contract theory will be contrasted with the thought of prominent English and American Baptists, as well as historic Baptist statements of faith. The chapter will conclude by considering the merits of Locke’s social contract theory for articulating a Baptist view of political authority.

Element 1: The state is established by God and exists to promote justice, punish evil, and order affairs in the civil realm.

Ironically, it is at this first point that Locke’s social contract theory and Baptist theology encounter the greatest divergence, not concerning the duty of the state but the origin of its authority. In his *Second Treatise*, Locke very clearly argues that the foundation of legitimate political authority does not rest in any divine origin but in the conscious and volitional actions of men.¹¹ Baptists, however, embrace the plain teaching of passages such as Romans 13:1 and 1 Peter 2:14, which demonstrate that political “authority” is

¹¹ “Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own *Consent*,” Locke, *Two Treatises of Government*, 330. Note the similar role of personal volition in Locke’s view of political obligation and a Baptist view of salvation. As Leonard Busher wrote in 1616, “No king nor bishop can, or is able to command faith.” See, Leonard Busher’s “Religion’s Peace, A Plea for Liberty of Conscience” in Edward Bean Underhill, *Tracts on Liberty of Conscience and Persecution, 1614-1661* (London: T. Haddon, 1846), 17.

instituted by God and that civil rulers are God's ministers tasked with punishing evil and commending those who do what is right.¹²

Locke was a proponent of popular sovereignty; he argued that in order for political authority to be legitimate, it must emanate from the will of the people.¹³ However, the New Testament contains, at multiple points, instructions that are clear, broad, and without qualification for Christians to submit or "be subject" to the governing authorities (Titus 3:1, Rom. 13:1-7, 1 Pet. 2:13-17). These instructions are offered apart from any consideration of the origins of such authority and directly contradict Locke's premise that political obligations must arise from consent.

This understanding of the divine origin of earthly governments is consistently affirmed by early and late Baptist confessions. Echoing the words of Romans 13, Thomas Helwys wrote in his 1611 confession, "Magistrates are the ministers of God for our wealth ... ministers of God to take vengeance on them that do evil."¹⁴ Similarly, the 1833 New Hampshire Confession spoke of civil government as being of "divine appointment, for the interests and good order of human society."¹⁵ And the Baptist Faith and Message also states that "Civil government [is] ordained of God."¹⁶ Still, it is important to note

¹² For a discussion of Baptists dependence upon the two biblical covenants in defense of religious liberty, see Malcom B. Yarnell III, "The Development of Religious Liberty: A Survey of Its Progress and Challenges in Christian History," *J. Baptist Minist. Theol.* 6.1 (2009): 119–36.

¹³ Locke, *Two Treatises of Government*, 332.

¹⁴ Lumpkin and Leonard, *Baptist Confessions of Faith*, 106.

¹⁵ Lumpkin and Leonard, *Baptist Confessions of Faith*, 383. The Abstract of Principles, a Southern Baptist confession adopted in 1858 as a guiding document for the forthcoming Southern Baptist Theological Seminary stated, "Civil magistrates being ordained of God, subjection in all lawful things commanded by them ought to be yielded by us in the Lord, not only for wrath, but also for conscience sake." "Abstract of Principles" The Southern Baptist Theological Seminary; accessed 2 February 2021; available from <https://www.sbts.edu/about/abstract/>.

¹⁶ Lumpkin and Leonard, *Baptist Confessions of Faith*, 416. The 1925 edition of the Baptist Faith and Message was modeled upon the 1833 New Hampshire Confession. Interestingly, only one word was

that Baptists do not reject the possibility of civil authority arising from the will of the people; they merely dissent to Locke's contention that such origins are essential to a government's legitimacy.

Whatever qualifications the fuller witness of Scripture may bring to bear concerning the Christian's duty to obey governing authorities, there is no question as to the Baptist belief that civil government exists by virtue of divine ordinance. Even so, this apparent tension between Locke's conception of the origins of political obligation and the Christian understanding of the compulsory nature of these obligations—due to the state being ordained of God—does not nullify the usefulness of Locke's social contract for Baptists. As mentioned in the last chapter, chief among the reasons Locke's social contract theory has had such enduring value is its ability to function as a normative device.¹⁷ In this way, one need not share all of Locke's premises nor conclusions in order to utilize his contract theory to consider the appropriate function and boundaries of civil government. Despite this important disagreement Baptists remain free to engage Locke's contract theory to consider and determine what the state *should do*, even as they continue to disagree with Locke about the nature of political obligations. John Leland took up Locke's conception of the state of nature for just this purpose.

changed in the article on religious liberty in all three versions of the Baptist Faith and Message, which was updated and re-adopted by the Southern Baptist Convention in 1963 and 2000. In the subsequent editions of the statement of faith, the reference to "the church" in the third sentence was replaced with "every church," which reflects the local, congregational nature of Baptist ecclesiology.

¹⁷ To utilize Locke's contract theory as a normative device, one need not agree with Locke at every point to consider his arguments based upon the state of nature and social contract and make any requisite adjustments to his conclusions or their implications. Cf. Jeremy Waldron, "John Locke: Social Contract versus Political Anthropology," *Rev. Polit.* 51.1 (1989): 3–28.

The State of Nature¹⁸

In terms of the state of nature, Leland at multiple points followed Locke and the contract theorists in using the device to explain the purpose and boundaries of civil government. But as a Baptist minister, Leland did so through the lens of Christian theology. In a sermon entitled, “A Blow at The Root,” he reimagined the state of nature from a theological perspective. He opened the sermon with the words, “Man comes into the world *needy, dependent, frail, and polluted.*”¹⁹ Though his thought was clearly influenced by Locke, Leland immediately seized on the realities of sin and of man’s utter dependence upon the nurture and support of a community—themes largely absent from Locke’s account. Whereas Locke contended that men in the state of nature were free, equal, and independent, Leland brought a kind of realism to bear:

The doctrine so earnestly contended for, *that all men came into the world free and independent*, may, in a very small sense be true: indeed, it appears to be wholly true, in the sense intended by those who adopted the maxim, but in the view of things which I am now pursuing, freedom and independence are but little more than names. Man comes into the world more dependent than the quadruped—more helpless than the bird—more forlorn than the insect.²⁰

Leland contended that any appeal to the state of nature must recognize certain realities of the human experience in a fallen world. For example, Leland understood that whatever

¹⁸ This section as well as the proceeding section focuses on Leland’s thought because he directly took up the question of the state of nature in his written work.

¹⁹ John Leland, “A Blow at the Root,” in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 227. Those words have an unmistakable similarity to the formulation of Thomas Hobbes, the modern contract theorist, who described life in the state of nature as “solitary, poor, nasty, brutish, and short.” Hobbes, *Leviathan*, 186.

²⁰ Leland, “A Blow at the Root,” 227.

independence a person may come to enjoy in adulthood, no person's life begins in solitude or self-sufficiency.²¹

Despite his excursus upon mankind's dependent and sinful state, Leland ultimately demonstrated substantial agreement with Locke's depiction of life in the state of nature. Leland acknowledged that man's initial state of utter dependence was only temporary and that as a person reaches maturity he or she indeed experiences a genuine sense of freedom. Moreover, Leland's discussion of life in the state of nature closely follows Locke's own. While never explicitly acknowledging Locke, Leland substantially affirmed Locke's contention that the state of freedom would not be a state of licentiousness because of God's moral law. As Leland insisted, in the state of nature "freedom does not authorise one man to destroy the freedom of another, but that freedom is to be governed by the laws of good order, and that all beside is licentiousness."²²

Whatever freedom man may enjoy in this state, Leland understood that every person living in a fallen world would still contend with the exigencies of sin.²³ In his view, the direct effects of the fall upon mankind included both frailty and pollution. By frailty, he recognized that man in his "material, mortal part" is weak and susceptible to

²¹ As mentioned in the previous chapter, Locke suggested man's natural longing for community was a part of God's creational design, noting that from the beginning "it was not good for him to be alone." Locke, *Two Treatises of Government*, 318. Arguably, a person never fully escapes this state of dependence. Human beings are naturally social creatures, and maintaining meaningful relationships is a key part of the human experience. For a discussion of the political implications of human dependence and sociability, see Jonathan Leeman, *Political Church: The Local Assembly as Embassy of Christ's Rule*, Studies in Christian Doctrine and Scripture (Downers Grove, IL: InterVarsity Press, 2016), 149–53.

²² Leland, "A Blow at the Root," 228. Cf. Locke, *Two Treatises of Government*, 270.

²³ This is consistent with early Baptist thought. The Orthodox Creed of 1678 written by English General Baptists described the plight of man in a fallen world as a "sinful and deplorable estate." Lumpkin and Leonard, *Baptist Confessions of Faith*, 312. Likewise, the Particular Baptist Second London Confession written in 1689 said of human life after the fall, "being now conceived in *Sin*, and by nature children of wrath, the servants of *Sin*, the subjects of death and all other miseries, spiritual, temporal and eternal, unless the *Lord Jesus* set them free." Lumpkin and Leonard, *Baptist Confessions of Faith*, 245.

danger, disease, and death. Likewise, man is polluted by sin, meaning that even though mankind as “rational creatures came from the hands of God pure,” the human race now suffers moral, social, and political corruption.²⁴ On the corrosive effects of sin, Leland’s understanding tracks closely with the Second London Confession, “Although God *created Man* upright, and perfect, and gave him a righteous law, which had been unto life had he kept it ... yet he did not long abide in this honour ... becoming dead in *Sin*, and wholly defiled, in all the faculties, and parts, of soul, and body.”²⁵

The End of the State of Nature

It is not the case that Locke’s assumes a total absence of moral corruption; he ultimately portrays human wickedness as the insurmountable problem of life in the state of nature.²⁶ But Locke’s state of nature gives little attention to the widespread and corrosive effects of sin, nor does it give meaningful attention to the fact that moral deficiency is inherent to human nature. As Leland acknowledged, depravity is not limited to those committing major transgressions against God’s law but affects the behavior of every person.

Fundamentally, however, Leland agreed with Locke about the demise of the state of nature. This is seen in the opening pages of *The Rights of Conscience Inalienable*, where Leland offered another brief accounting of life in a pre-political state. Placing man

²⁴ Leland, “A Blow at the Root,” 228. It is interesting to note that Carl Henry held a negative view about the use of natural law for Protestant ethics on precisely these grounds. Henry concluded that natural law ethics were “ruled out” due the fall’s corruption of human reason. Carl Ferdinand Howard Henry, *Christian Personal Ethics*, 2nd print., Twin Books Series (Grand Rapids, MI: Baker, 1979), 159.

²⁵ Lumpkin and Leonard, *Baptist Confessions of Faith*, 244–45.

²⁶ Locke suggest this when he states, “God has certainly appointed Government to restrain the partiality and violence of Men. I easily grant that *Civil Government* is the proper remedy for the Inconveniences of that the State of Nature, which must certainly be Great.” Locke, *Two Treatises of Government*, 276.

upon an imagined “desolate island” living in solitude with only his wife, Leland envisions the man to function as an “absolute monarch” where “his own will is his law.”²⁷ Over time, Leland’s fictive couple brings forth ten sons and raises them into adulthood. And as with Locke, Leland supposes that each of the ten might live independent and peaceful lives for some period, “as long as they are all good men, each one can be as absolute, free, and sovereign as his father.” But because of sin this relatively peaceful arrangement is tenable for only a short time. As Leland argued, when one of the ten “turns vagrant, by robbing the rest,” the men will be forced to “unite their strength together.” Leland’s state of nature, therefore, ends on the same grounds as Locke’s: due to the urgent need to secure peace, which manifests through a cooperative effort to administer justice as a temporal remedy to address human wickedness.

Justice as the End of Government

Though there is obvious disagreement about the origins of political obligations, both Locke and the Baptist tradition are in broad agreement on the purpose of government being bound up with justice, specifically government’s role in punishing offenders and maintaining civil peace.²⁸ As demonstrated above, Locke’s contention that the primary duty of government is to maintain peace, safety, and the public good, resonates deeply

²⁷ Leland, “The Rights of Conscience Inalienable,” 228.

²⁸ This belief can be traced back to the earliest Baptists. In Propositions and Conclusions, John Smyth affirmed the magistrate is “a disposition or permissive ordinance of God for the good of mankind: that one man like the brute beasts devour not another ... and that justice and civility, may be preserved among men.” Lumpkin and Leonard, *Baptist Confessions of Faith*, 127. Similarly, Locke speaks of the execution of justice as the effort to “preserve the innocent and restrain offenders” and to “restrain the partiality and violence of man,” descriptions deeply resonate with Romans 13:1 and 1 Peter 2:14. Locke, *Two Treatises of Government*, 271. Cf. Timothy Stanton, “Authority and Freedom in the Interpretation of Locke’s Political Theory,” *Polit. Theory* 39.1 (2011): 21.

among Baptists. The First London Confession essentially articulates this same principle, “a civil magistrate is an ordinance of God set up by God for the punishment of evil doers, and for the praise of them that do well.”²⁹ The Second London Confession was even more specific, describing the ends for which God instituted the magistrate as the duty to maintain “justice and peace.”³⁰ Likewise, in his famous ship metaphor, Roger Williams argued that the duty of government is to ensure that “justice, peace, and sobriety, be kept and practiced.”³¹ And more recently, the twentieth century Baptist theologian Carl F. H. Henry wrote, “God intends civil government to promote justice and restrain disorder.”³²

Element 2: The state has no authority over the conscience and must make no laws to establish religion, nor coerce religious beliefs.

One thing that clearly emerges from Locke’s argument in *Two Treatises* is the intentional limitations he placed upon civil government. His work served, substantially, as a refutation of absolute monarchy. Locke rejected the idea that a government wielding absolute power could be legitimate, because such a government would necessarily have the authority to deny the fundamental (natural) rights and liberties of the people.³³ While

²⁹ Lumpkin and Leonard, *Baptist Confessions of Faith*, 157.

³⁰ Lumpkin and Leonard, *Baptist Confessions of Faith*, 281.

³¹ Roger Williams, “To the Town of Providence, January 1655,” in Williams and Davis, *On Religious Liberty*, 279. Williams used the metaphor of the ship to illustrate the limited duties of civil government. He argued the ship of state was able to board Christians, Jews, Catholics, and Turks and still successfully navigate its journey because their various beliefs were no threat to the essential operations of the ship. In the same way, the state need not pursue religious conformity to administer justice, punish evil, or maintain civil peace.

³² Carl F. H. Henry, “Jesus and Political Justice,” *Christianity Today*, 6 December 1974, <https://www.christianitytoday.com/ct/1974/december-6/footnotes-jesus-and-political-justice.html>. Likewise, Jonathan Leeman contends, “The first and most immediate purpose of government is to render judgement for the sake of justice.” Jonathan Leeman, *How the Nations Rage: Rethinking Faith and Politics in a Divided Age* (Nashville, TN: Thomas Nelson Books, 2018), 109.

³³ Locke dissented to the idea of absolute political authority because such constituted a violation of man’s natural rights, “For a Man, not having the Power of his own Life, cannot, by Compact, or his own

Baptist theology does not follow Locke's understanding of political obligations precisely, the two do find resonance in their respective views of the limitations of political authority. Most importantly, both Locke and the Baptist tradition deny that the state possesses any authority over the conscience of the individual, and therefore insist the state should not make religious laws nor coerce religious beliefs.³⁴ Still, to understand the compatibility of Locke's rationale for limiting the state's authority against the standard of Baptist theology, one must examine Locke's view of the role of natural law.

Natural Law

As noted in chapter three, Locke presumed the existence of natural law but offered little definition of it in *Two Treatises*.³⁵ For Locke, the law of nature was the law of reason. Further, the law of reason was the law of God. According to Locke's conception of natural law, God designed the world in such a way that the appropriate standards of human conduct were "intelligent and plain" to rational creatures. And as God designed them, human beings were, apart from all else in creation, rational beings. Locke's fundamental law of nature was that human life should be preserved as far as possible.³⁶

Consent, enslave himself to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it." Locke, *Two Treatises of Government*, 284. Further, Locke insisted that such tyranny was worse than life in the state of nature, "Much better is it in the State of Nature wherein Men are not bound to submit to the unjust will of another." Locke, *Two Treatises of Government*, 276.

³⁴ For Locke, such matters lie beyond the purview of the state because of the nature of the state itself. For Baptists, matters of conscience lie beyond the state's authority because of the nature of the conscience. Baptists reject the idea that the state should attempt to enforce or regulate religion on the basis of their theological beliefs.

³⁵ Earlier in his career, Locke did author a single volume on the subject of natural law, see John Locke and W. von Leyden, *John Locke: Essays on the Law of Nature* (Oxford; New York, NY: Oxford University Press, 2002).

³⁶ "The fundamental law of nature being that all, as much as may be, should be preserved." Locke, *Two Treatises of Government*, 391.

From this fundamental law he derived additional insight about appropriate human conduct, specifically that natural law dictates no man is to be unjustly deprived of his life, liberty, or property.³⁷

Historically, Baptists have held diverse views on the question of natural law.³⁸ Since the mid-twentieth century, Baptists have generally followed the Protestant consensus, which has largely rejected natural law as a Catholic doctrine. The Protestant rejection of natural law can largely be traced back to the Karl Barth's well-known exchange with Emil Brunner in 1934. In his response to Brunner, Barth seemingly delivered the death blow to natural law for Protestant ethics by forcefully arguing that natural reason cannot lead man to true knowledge of God.³⁹ Since that time, many prominent Baptist figures in the late twentieth century and up to the present have continued to speak of natural law with significant skepticism. Carl F. H. Henry, perhaps the most influential Baptist public intellectual of the past century, denied that natural law had substantial value for Christian ethics:

³⁷ Locke clearly states, "Government has no other end but the preservation of Property." But for Locke property is more than one's physical possessions. As he noted here, "Man being born, as has been proved, with a Title to perfect Freedom, and an uncontrouled [sic] enjoyment of all the Rights and Priviledges [sic] of the Law of Nature, equally with any other Man, or Number of Men in the World, hath by Nature a Power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the injuries and Attempts of other Men." Locke, *Two Treatises of Government*, 323. Leland was in substantial agreement with Locke about the essential nature of these rights, "No man has a right to force another to join a church; nor do the legitimate powers of civil government extend so far as to disable, incapacitate, prescribe, or in any way distress, in person, property, liberty or life." Leland, "The Virginia Chronicle," 100.

³⁸ For a specific treatment of Baptists and natural law, see "Natural Law in the Baptist Tradition" in Norman Doe, ed., *Christianity and Natural Law: An Introduction*, Law and Christianity (Cambridge; New York, NY: Cambridge University Press, 2017).

³⁹ For a brief summary of the debate and its far-reaching implications for Protestant ethics, see Stephen Grabill's "Foreword" in VanDrunen, *A Biblical Case for Natural Law*. For the exchange itself, see Emil Brunner and Karl Barth, *Natural Theology: Comprising "Nature and Grace" by Professor Emil Brunner and the Reply "No!" By Karl Barth* (Eugene, OR: Wipf and Stock, 2002). See also, Bryan T. McGraw, Jesse David Covington, and Micah Joel Watson, eds., *Natural Law and Evangelical Political Thought* (Lanham, MD: Lexington Books, 2013).

One reason Protestant orthodoxy has in the past not devoted itself extensively to speculative morality is that it *does not derive the essential content of ethics from philosophical reasoning but from rational revelation*. This need not denigrate moral reflection, but it precludes derivation of the content of ethics from natural law no less than from tradition or evolutionary conjecture. The integrity of Christian ethics requires an affirmation of God in His revelation, and not simply shared values in the public order and deeper stress on the common good.⁴⁰

Theologian R. Albert Mohler Jr. responded similarly to the natural law arguments presented by the Catholic philosopher Robert George in his acclaimed book on civil liberties and public policy, *Making Men Moral*.⁴¹ In response to George's work, Mohler stated, "I'm thankful that he's making [these arguments] better than just about anyone else is making them. And as an evangelical, we have every reason to use natural law arguments; we just don't believe that in the end they're going to be enough."⁴² Arguing along the same lines, ethicist Richard Land contended that "[e]vangelical Protestants," including Baptists like Henry and himself, "do affirm natural law" but recognize that natural law by itself is insufficient to advance the Christian message of redemption.⁴³ As Land argued, "arguments grounded in natural law may suffice for public-policy

⁴⁰ Carl F. H. Henry, "Natural Law and Nihilistic Culture," *First Things*, January 1995, <https://www.firstthings.com/article/1995/01/natural-law-and-a-nihilistic-culture> (emphasis mine). In the second volume of Henry's mammoth six-volume work, *God, Revelation, and Authority*, he dedicates a chapter to "The Rejection of Natural Theology." Carl F. H. Henry, *God, Revelation, and Authority*, 6 vols. (Wheaton, IL: Crossway, 1999).

⁴¹ Robert P. George, *Making Men Moral: Civil Liberties and Public Morality*, reprinted. (Oxford: Clarendon Press, 2001).

⁴² Joseph Kippenberg, "Evangelicals, Natural Law, and Marriage," *First Things*, 23 March 2011, <https://www.firstthings.com/blogs/firstthoughts/2011/03/evangelicals-natural-law-and-marriage>.

⁴³ Michael Cromartie, ed., *Disciples and Democracy: Religious Conservatives and the Future of American Politics* (Grand Rapids, MI: Eerdmans, 1994), 99.

consensus, but the right to explicitly biblical witness must be acknowledged as necessary for the Christian redemptive imperative.”⁴⁴

Even so, Baptists have not always been so wary of employing natural law. As Cory Higdon argues, Roger Williams utilized natural law specifically to advance arguments for religious freedom. According to Higdon, Williams understood that “the natural law attested to the goodness, virtue, and moral imperative of religious freedom.”⁴⁵

He summarizes Williams’ understanding of natural law in four parts:

(1) a God-established law in all creation, which inhabited every human being, (2) with a teleological aim toward virtue and natural goodness. (3) The natural law was discovered by mankind through experience, reason, and “Common Sense,” which men and women then stored in their memory as a historical record of what portends to virtue and to wickedness. Finally, (4) mankind’s experience and deliberation of the natural law occurs in the conscience, making the conscience a sacred place, innate in the hearts and minds of all humanity.⁴⁶

As set forth by Higdon, Williams’ understanding of natural law bears remarkable similarities to Locke’s own. Specifically, Williams and Locke agree that natural law emanates from God and is reflected in creation, that knowledge of the natural law is derived through the use of reason, and that the natural law is intelligible to (inhabited within) every person.⁴⁷

⁴⁴ Cromartie, *Disciples and Democracy*, 104. As witnessed in these comments from Henry, Mohler, and Land, much of the opposition to natural law among contemporary Baptists is more focused on the primacy of special revelation—particularly for salvation—rather than actual weaknesses in natural law vis-à-vis ethics and public policy.

⁴⁵ Cory D Higdon, “Roger Williams, Natural Law, and Religious Liberty,” *J. Church State* 63.1 (2021): 86. It is also worth noting that Williams articulated these views about natural law and religious freedom decades prior to Locke’s writing of *Two Treatises*.

⁴⁶ Higdon, “Roger Williams, Natural Law, and Religious Liberty,” 89.

⁴⁷ As an empiricist, Locke denied the existence of innate ideas. A detailed examination of the connection between Locke’s conception of natural law and Paul’s words in Romans 2:15 about the moral law being written on the heart of the Gentiles is beyond the scope of this thesis but merits further study. For more on Locke’s empiricism, see Odegard, “Locke As An Empiricist.”

Like Locke, Williams saw natural law as a basis for civil laws. For Williams, it was through the natural law all men shared a common sense of morality. In his view, government could therefore draw upon these moral principles to create civil laws without predicating such laws upon a particular religion. In his work, *The Bloody Tenet*, Williams draws together arguments from natural law to insist that “God requires not uniformity of religion to be enacted and enforced in any civil state. Such enforced uniformity sooner or later is the greatest occasion for ... the ravishing of conscience.”⁴⁸ By predicating civil laws upon the shared morality of natural law, government can exercise political authority without infringing upon men’s consciences or religious sentiments.⁴⁹

Other Baptists in the seventeenth century also appealed to the concept of natural law. The Second London Confession referred to natural law at multiple points, with the most important reference occurring in the statement on the Law of God, “God gave to Adam a law of universal obedience written in his heart.”⁵⁰ That statement contains a clear reference to Paul’s words in the Romans 2:15, where the apostle speaks of the Gentiles who have no access to the written law of God yet still recognize the morality it entails. Later Baptists like John Leland also spoke of the universal nature of God’s moral law. Leland defined moral evil as “the transgression of the moral law of God” and affirmed that the moral law:

⁴⁸ Higdon, “Roger Williams, Natural Law, and Religious Liberty,” 87.

⁴⁹ The argument for utilizing natural law as a foundation for civil laws is self-evident. Because these moral principles are apparent to all people through the use of reason, natural law principles can be used to fashion civil laws without violating religious freedom. A person need not agree that God is the source of natural law morality in order to accept the validity and reasonableness of civil laws rooted in a shared moral sense. For more on natural law as universal moral code, see Budziszewski, *What We Can’t Not Know*. For more on natural law and civil liberties, see George, *Making Men Moral*.

⁵⁰ Lumpkin and Leonard, *Baptist Confessions of Faith*, 269.

is not confined to the prohibition that God laid on Adam, nor yet to the decalogue, or ten commandments, but is that eternal rule of light, which ... runs through the Bible like a golden chord, enjoining on all rational creatures that which is right of itself, both towards God and man, in all places and conditions of life; any deviation from this rule is moral evil, commonly called sin.⁵¹

As with Locke, Leland acknowledged the universal nature of God's law and its accessibility to all men, apart from any direct knowledge of the God of the Bible. And as did his Baptist forebears, Leland used this knowledge to clarify the lines of authority between the church and civil government. Whereas "the philanthropy or turpitude of the heart, the motives, views, or designs of men, are entirely out of the question before [civil government]," God has appointed government to constrain "[s]ocial or political evil." As Leland contends, "No evil, simply moral, is punishable by a political tribunal," but when sin should influence men to "work ill to their neighbors" such actions fall squarely within the domain of civil government.⁵²

Neither Establishment, Nor Coercion

On this second element, Locke and the Baptists find broad agreement. Locke's efforts to foreclose matters of religion from the realm of civil government are substantially aligned with the Baptist doctrine of religious freedom. Whether or not Baptists employ the language of natural law, their commitment to the principle of separation between church and state precludes the possibility of advancing a specific public policy or set of laws based on special revelation. Thus, Locke's approach to civil laws based on reason—yet aligned with God's moral law—holds great promise for Baptist political discourse.

⁵¹ Leland, "A Blow at the Root," 229.

⁵² Leland, "A Blow at the Root," 229.

Element 3: Christians have a duty to obey the state.

It is well known that one of Locke's primary aims in writing his *Second Treatise* was to present a case for rebellion against tyrannical political authority. As previously discussed, Baptists embrace the New Testament teaching that Christians have a duty to obey political authorities. But even so, Baptist Christians have always rejected the idea that the state has authority over the conscience. As John Smyth wrote in *Propositions and Conclusions*, "Christ only is the king, and lawgiver of the church and conscience."⁵³ That argument carries forward from the first modern Baptist all the way down to the Baptist Faith and Message, which states, "God alone is Lord of the conscience."⁵⁴ This raises additional questions about what the Christian should do when the state acts illegitimately, in ways it is not authorized. At what point does the Christian's duty to obey the state meet its end?

Legitimate Authority

As a proponent of popular sovereignty, Locke argued that political obligations may only arise once the people have consented to submit to a government's rule. In other words, the voluntary submission of the people is required for a government to possess legitimate political authority. This is another clear implication of Locke's social contract: government holds its authority as a trust from the people. Baptists, however, dissent from

⁵³ Lumpkin and Leonard, *Baptist Confessions of Faith*, 128.

⁵⁴ Lumpkin and Leonard, *Baptist Confessions of Faith*, 416. The remainder of this line from the article on "Religious Liberty" states, "and He has left it free from the doctrines and commandments of men which are contrary to His Word or not contained in it." Less obvious, but certainly implied in these statements as well as the broader Baptist doctrine of religious liberty, is the conviction that the state's power is necessarily limited in meaningful ways. In denying the state's authority over the conscience, Baptists circumscribe the authority of the state by proscribing specific ways the state may not act.

this view of political obligation on the basis of Scripture.⁵⁵ As Leland helpfully remarks on this theme, “the powers that were in existence when Christianity was set up, were of God, although in the hands of heathens.” Further, he adds, “To these powers, the Christians were commanded to submit: not to speak evil dignities, but pray for all in authority.”⁵⁶

Like the early Christians, Baptist pioneers in England were by no means under a government of their own choosing. Still, they followed the New Testament’s teaching and urged obedience unto civil authority. In the *Mystery of Iniquity*, Helwys argued Christians should “be obedient and true subjects, obeying all humane lawes made by the King.”⁵⁷ Similarly, the General Baptist Orthodox Creed instructed Christians “to be yielded to the Magistrates, in all lawful things commanded by them, for conscience sake.”⁵⁸ And in North America, the 1833 New Hampshire Confession instructed,

⁵⁵ Even under the reign of Caesar, Jesus acknowledges the pagan ruler’s authority and commands his followers to render obedience unto Caesar through paying taxes (Matt. 22:21). And in the Book of Romans, Paul clarifies that submission is indeed owed to authorities, regardless of whether or not such a government is freely chosen, because “there is no authority except from God” (Rom. 13:1). Baptists are hardly unique in this view. For two helpful resources from influential figures in the Christian tradition on secular rulers, see Augustine, *Political Writings*, ed. E. M. Atkins and R. J. Dodaro, Cambridge Texts in the History of Political Thought (Cambridge, U.K.; New York, NY: Cambridge University Press, 2001); Martin Luther and John Calvin, *Luther and Calvin on Secular Authority*, ed. Harro Höpfl, Cambridge Texts in the History of Political Thought (Cambridge; New York, NY: Cambridge University Press, 1991). For a recently published and detailed consideration of the Bible’s approach to government and politics from an evangelical perspective, see Wayne A. Grudem, *Politics According to the Bible: A Comprehensive Resource for Understanding Modern Political Issues in Light of Scripture* (Grand Rapids, MI: Zondervan, 2010).

⁵⁶ John Leland, “Short Essays on Government, and The Proposed Revision of the Constitution of Government for the Commonwealth of Massachusetts,” in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 466 (emphasis original).

⁵⁷ Helwys, *The Life and Writings of Thomas Helwys*, 50.

⁵⁸ Lumpkin and Leonard, *Baptist Confessions of Faith*, 343–44 (emphasis mine).

“magistrates are to be prayed for, conscientiously honored, and obeyed; *except only in things opposed to the will of our Lord Jesus Christ.*”⁵⁹

From the beginning, Baptists have denied that the state has authority over matters of faith and conscience. And upon the state’s transgression of these boundaries Baptists have argued the Christian’s duty to obey the state meets its end. Isaac Backus explained this principle in *An Appeal to the Public for Religious Liberty*, “In all civil governments some are appointed to judge for others, and have the power to compel others to submit to their judgment: but our Lord has most plainly forbidden us, wither to assume or submit to any such thing in religion.”⁶⁰ Like many other Baptists, his principled resistance to overreaching political authority was more than theoretical. As William McLoughlin notes, Backus took part in a massive effort among Baptists in New England to practice “non-violent civil disobedience ... to fill the Massachusetts jails, disrupt the established system and focus the attention of the whole world upon unjust discriminations against a persecuted religious minority.”⁶¹ Backus believed the Puritan establishment in New England had exceeded its authority by seeking to “compel every town and parish within their jurisdiction, to set up and maintain a pedobaptist worship among them.”⁶² As a result of these burdens on religious freedom, which included both fines and jailings, Backus joined his fellow Baptists in peaceful protest and disobedience.

⁵⁹ Lumpkin and Leonard, *Baptist Confessions of Faith*, 383 (emphasis mine).

⁶⁰ Backus, *An Appeal to the Public for Religious Liberty*, 16.

⁶¹ William G. McLoughlin, “Massive Civil Disobedience as a Baptist Tactic in 1773,” *Am. Q.* 21.4 (1969): 710.

⁶² Backus, *An Appeal to the Public for Religious Liberty*, 22.

Other Baptists have applied these principles beyond the state's intrusion upon religion. The Civil Rights Movement of the twentieth century was led by, among others, the Baptist minister Martin Luther King Jr.⁶³ After being arrested in Alabama for peacefully protesting government-sanctioned discrimination against black Americans, King wrote his famous "Letter from Birmingham City Jail." In that text, King used natural law to argue that the Christian's duty to obey the state is abrogated if the state violates God's moral law:

I would agree with St. Augustine that 'An unjust law is no law at all.' Now, what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law, or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law.⁶⁴

While not all Baptists would agree with the views of King (or Augustine) concerning the validity of unjust laws, King's reasoning was certainly rooted in the Baptist tradition.⁶⁵

⁶³ For a brief biographical introduction to King, see Marshall Frady, *Martin Luther King, Jr.: A Penguin Life* (New York, NY: Penguin Group, 2002). King's autobiography also provides a detailed and personal account of his life and work in the Civil Rights Movement, see Martin Luther King and Clayborne Carson, *The Autobiography of Martin Luther King, Jr.*, 1st trade ed. (New York, NY: IPM, 2001). For a detailed look at the development of the Civil Rights Movement and King's role within it, see Taylor Branch, *Parting the Waters: America in the King Years, 1954-63*, 1st Touchstone ed. (New York, NY: Simon and Schuster, 1989).

⁶⁴ Martin Luther King, *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*, ed. James Melvin Washington, 1st HarperCollins paperback ed. (San Francisco, CA: HarperSanFrancisco, 1991), 293.

⁶⁵ In his speech at the Capitol, Truett affirmed that Baptists have traditionally understood support for civil liberties to be entailed within their defense of religious freedom, "Baptists have one consistent record concerning liberty throughout all their long and eventful history. They have never been a party to oppression of conscience. They have forever been the unwavering champions of liberty, both religious and civil." Truett, "Baptists and Religious Liberty," 67.

Baptists have always rejected the idea that obedience is to be rendered to the state, when such obedience would entail the violation of conscience or the law of God.⁶⁶

Qualified Obedience

Ultimately, Baptists dissent from Locke’s view that political obligations rest upon consent and that legitimate authority is necessarily tied to popular sovereignty. However, the Baptist tradition has always recognized that government will sometimes act unjustly—illegitimately—and that obedience is not owed in all circumstances. The Baptist Faith and Message addresses this principle, “it is the duty of Christians to render loyal obedience [to civil government] in all things not contrary to the revealed will of God.”⁶⁷ While Baptists have always affirmed the God-ordained authority of the state and the Christian’s duty to render allegiance thereunto, Baptists have also rejected the legitimacy of the state’s authority to coerce citizens to violate conscience, the freedom of religion, or the moral law of God.

Element 4: The state has a duty to protect religious freedom.

Upon this fourth point, Locke and the Baptist tradition are also closely aligned. For Locke, natural rights flow directly from natural law. If the goal of Locke’s social contract is to articulate the nature and boundaries of the state’s authority, the result of that exercise

⁶⁶ This was the clear intention of article fifty-one in the 1644 London Confession, “But if God with-hold the Magistrates allowance and furtherance herein ... yet we must not withstanding proceed together in Christian communion, not daring to give place to suspend our practice, but to walk in obedience to Christ in the profession and holding forth this faith ... obey God rather than men, and grounding upon the commandment, commission, and promise of our Lord and Master Jesus Christ ... and to whom we must give an account of all our actions, no man being able to discharge us of the same.” Lumpkin and Leonard, *Baptist Confessions of Faith*, 158.

⁶⁷ Lumpkin and Leonard, *Baptist Confessions of Faith*, 519.

is an approach to civil government that privileges natural rights.⁶⁸ In Locke's view, the state fundamentally exists to protect life, liberty, and property.⁶⁹ And in protecting liberty, the government necessarily protects the freedom of religion.⁷⁰

Natural Rights

On the subject of civil liberties, Locke wrote in *A Letter Concerning Toleration*, "neither pagan, nor mahometan, nor jew, ought to be excluded from the civil rights of the commonwealth, because of his religion. The gospel commands no such thing."⁷¹ This is consistent with his work in *Two Treatises*, where Locke advances a view of government that is in no way predicated upon the religious sentiments of the people the government represents. This is also consistent with the mature Baptist view of religious freedom.

Indeed, it was concern about the protection of natural rights that prompted the Danbury

⁶⁸ For an examination of the connection between Locke's views of natural rights and religious liberty, see Steven J Heyman, "The Light Of Nature: John Locke, Natural Rights, And The Origins Of American Religious Liberty," *Marquette Law Rev.* 101.3 (2018): 71.

⁶⁹ Locke's view of the state's primary duties finds clear support within the Baptist tradition. The writings and confessions of early English Baptists are replete with examples separating the authority of the monarch to govern external matters from the inward and spiritual matters left to the authority of the church. Similarly, as Eberle argues, Roger Williams understood "The main role of government is not religion, but the core function of preserving the civil peace, and then securing the health, safety and welfare of its citizens. Eberle, "Roger Williams on Liberty of Conscience," 314. Leland followed Locke's formulation precisely, articulating at numerous points in his writing that government "That the whole design of civil government is to protect the lives, liberties, and property, of all the citizens." John Leland, "Address Delivered at Dalton Massachusetts, January 8, 1831," in *The Writings of the Late Elder John Leland: Including Some Events in His Life*, ed. L.F. Greene (New York, NY: G.W. Wood, 1845), 598. And in the twentieth century, E.Y. Mullins contended that the state "is for the protection of life and property" while the church exists "for the promotion of spiritual life," Mullins, *Axioms of Religion*, 164.

⁷⁰ The Baptist Faith and Message addresses the state's obligation to protect religious freedom in terms of both the church and the individual. In reference to the church, the confession states, "The state owes to every church protection and full freedom in the pursuit of its spiritual ends." Similarly, with respect to individuals it reads, "The state has no right to impose penalties for religious opinions of any kind." Lumpkin and Leonard, *Baptist Confessions of Faith*, 519.

⁷¹ John Locke, *A Letter Concerning Toleration and Other Writings*, ed. Mark Goldie, The Thomas Hollis Library (Indianapolis, IN: Liberty Fund, 2010), 12. For more on Locke's direct contributions to religious liberty, see Joseph Loconte, *God, Locke, and Liberty: The Struggle for Religious Freedom in the West* (Lanham, MD: Lexington Books, 2014).

Baptists of Connecticut to write to President Jefferson in 1801, “what religious privileges we enjoy (as a minor part of the state) we enjoy as favors granted, and *not as inalienable rights*; and these favors we receive at the expense of such degrading acknowledgements as are inconsistent with the rights of freemen.”⁷²

Even under the protection of the Bill of Rights in the new American republic, these Baptists believed their natural rights were insecure. They believed the denial of these rights was an affront not merely to their constitutional liberties but to their fundamental rights derived from God. They wrote to Jefferson seeking assurance that their religious freedom would be protected should the magistrate “assume the prerogatives of Jehovah and make laws to govern the kingdom of Christ.” Notably, Jefferson’s reply not only assured his Baptist interlocutors of his commitment to the free exercise of religion, but did so in both Lockean and Baptist overtones, “Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions.”⁷³ Also in his reply, Jefferson specifically noted that the First Amendment was meant to erect “a wall of separation between Church and State.”⁷⁴ Further, Jefferson referred to the principle of separation as

⁷² Joseph E. Early, ed., *Readings in Baptist History: Four Centuries of Selected Documents* (Nashville: B & H Academic, 2008), 74 (emphasis mine).

⁷³ Early, *Readings in Baptist History*, 75.

⁷⁴ For a detailed examination of the Jefferson’s “wall” metaphor including his correspondence with the Danbury Baptists, see Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation Between Church and State*, Critical America (New York, NY: New York University Press, 2002). Jefferson’s framing is similar to the language of Roger Williams who spoke of “the hedge or wall of Separation between the Garden of the Church and the Wilderness of the world.” Roger Williams, Mr. Cotton’s Letter Lately Printed, Examined and Answered, in Roger Williams, *The Complete Writings of Roger Williams*, 7 vols. (Paris, AR: Baptist Standard Bearer, 2005), 392. For a discussion of the continuity and contrast

an “expression of the supreme will of the nation in behalf of the rights of conscience” and guaranteed his commitment to defend natural rights.

Perhaps the most important Baptist defense of the concept of natural rights was authored by John Leland in *The Rights of Conscience Inalienable*. Through four lines of argument, Leland contended that even under civil government no individual should be forced to “surrender his conscience to that society.”⁷⁵ First, Leland argued that man is accountable to God alone, “If government can answer for individuals at the day of judgment, let men be controlled by it in religious matters; otherwise let men be free.”⁷⁶ Second, Leland asserted that it “would be sinful for man to surrender that to man, which is kept sacred for God.”⁷⁷ Third, in line with Baptist tradition Leland argued that while it may be acceptable “for a man to bind his own conscience,” that right does not allow him to bind the conscience of others.⁷⁸ Finally, he argued that the rights of conscience cannot be surrendered because “religion is a matter between God and individuals.” In Leland’s

between the wall metaphors employed by Williams and Jefferson, see W. Clark Gilpin, “Building the ‘Wall of Separation’: Construction Zone for Historians,” *Church Hist.* 79.4 (2010): 871–80. See also, Morgan, *Roger Williams*; Dreisbach and Hall, *Faith and the Founders of the American Republic*; Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill, NC: University of North Carolina Press, 1998). For a detailed treatment of the religion clauses of the First Amendment, including their application in the courts, see Douglas Laycock, *Religious Liberty* (Grand Rapids, MI: Eerdmans, 2018).

⁷⁵ Leland, “The Rights of Conscience Inalienable,” 173. Leland had a great affinity for Jefferson due to Jefferson’s support of religious freedom and the separation of church and state. As Kidd comments, “Jefferson had championed religious freedom in Virginia, where Leland, as a traveling preacher, had come to know and love the future president. Jefferson the skeptical deist and Leland the fervent evangelical both believed that government should afford liberty of conscience to its citizens and should not privilege one Christian denomination over another.” Thomas S. Kidd, *God of Liberty* (New York, NY: Basic Books, 2010), 5. For a discussion of the relationship between Leland and Jefferson, see C. A. Browne, “Elder John Leland and the Mammoth Cheshire Cheese,” *Agric. Hist.* 18.4 (1944): 145–53.

⁷⁶ Leland, “The Rights of Conscience Inalienable,” 173.

⁷⁷ Leland, “The Rights of Conscience Inalienable,” 173. Because religion is a matter of personal judgment and conviction before God, Leland contended that no authority, including government, has the right to interfere with what a person holds as sacred.

⁷⁸ Leland, “The Rights of Conscience Inalienable,” 173.

reckoning, “the religious opinions of men” were not in any sense “the objects of civil government, nor in any way under its control.”⁷⁹

Inalienable Rights

Fundamentally, Leland’s arguments in defense of natural rights cohere with the broader Baptist defense of religious freedom. Leland denied the government’s authority to infringe upon rights of conscience because such matters are sacred. Baptists have insisted that government has no authority to infringe upon these rights but instead has a duty to protect them. Ultimately, the Baptist tradition is sympathetic to Locke’s vision of government that is committed to upholding natural rights because Baptist theology similarly forecloses religious affairs from the domain of the state’s authority.

Element 5: Church and state must remain separate.

On this final point, both the Baptist tradition and Locke’s contract theory arrive at the same conclusion. In his articulation of the social contract, Locke set forth the limited scope of the state’s authority. He circumscribed the role of the state, making government responsible for the protection of natural rights: life, liberty, and property. One of the most important implications of Locke’s social contract is the fact that not every part of society properly belongs to the jurisdiction of the state.⁸⁰ Demonstrating this principle was

⁷⁹ Leland, “The Rights of Conscience Inalienable,” 173.

⁸⁰ This is evident from Locke’s discussion of community in *Two Treatises*, where he acknowledges that individuals, even in the state of nature, are able to make “Promises and Compacts . . . For truth and keeping of Faith belongs to Men, as Men.” In other words, Locke understood the social contract did not create relational bonds or communities, but political bonds and obligations. Locke’s government exists to mediate justice, rather than intrude upon the affairs of men. Locke, *Two Treatises of Government*, 277.

among Locke's primary aims in writing *Two Treatises*; he purposefully sought to narrow the boundaries of the state's authority.⁸¹

Community

Though it is often assumed otherwise, Locke's state of nature is not a depiction of solitary and autonomous individuals. Instead, Locke imagines human beings in the state of nature, a pre-political society, living amongst one another in functioning communities.⁸² In Locke's scheme, the end of the state of nature is not brought about because these communities find themselves in total dysfunction. Instead, he envisions the end of the state of nature as an effort to alleviate the burden borne by members of the community to enact justice by punishing transgressors of the law of nature.⁸³ Under the

⁸¹ Locke recognized that when the state took actions beyond the boundaries of its legitimate authority—such as attempting to regulate or enforce religion—the consequences were disastrous, often resulting in violence, persecution, and even war. Baptists likewise, but for reasons altogether distinct, sought to achieve separation between the institution of the church and the institution of the state. Baptists did so for spiritual reasons. On the basis of theology, they sought to practice their religion free from the corrupting influence of the state. For an overview of the Baptist tradition on the separation of church and state, see Slayden A. Yarbrough, "Church and State in Baptist History," *Baptist Hist. Herit.* 33.1 (1998): 4–11. For a contrary perspective on the separation principle's connection to the First Amendment, see Philip Hamburger, *Separation of Church and State* (Cambridge, MA: Harvard University Press, 2004). For a perspective that finds substantial support for a Christian right of rebellion through Locke's argument in *Two Treatises*, see Glenn S. Sunshine, *Slaying Leviathan: Limited Government and Resistance in the Christian Tradition* (Moscow, ID: Canon Press, 2021). For more on this theme in Locke's work, see John Marshall, *John Locke: Resistance, Religion and Responsibility*, Cambridge Studies in Early Modern British History (Cambridge: Cambridge University Press, 1994). For a single-volume overview of the development of Baptist theology, see Brackney, *A Genetic History of Baptist Thought*. See also, Garrett, *Baptist Theology*.

⁸² In Locke's defense of the state of nature, he insists that communities of men have lived in such a state apart from an established government at many times in history. Cf. Locke, *Two Treatises of Government*, 276. For a discussion of Locke's belief in a historical state of nature, see Waldron, "John Locke: Social Contract versus Political Anthropology," 9.

⁸³ It is critically important to note that under Locke's social contract those individuals exiting the state of nature are not understood to be handing over total authority to a common government. Instead, through the social contract members of the community come together to form a government for a specific purpose and with intentionally limited authority. Cf. Locke, *Two Treatises of Government*, 324. See also, Dunn, "Consent in the Political Theory of John Locke."

social contract, government is narrowly tasked with the duty of upholding justice, namely through the protection of life, liberty, and property. Locke carefully maintained the distinction between government and society and also denied government is empowered to regulate aspects of society outside of its scope of authority, which includes religion.⁸⁴

This understanding of the limited scope of government’s authority aligns well with the Baptist vision of the state. Since the founding of the movement, Baptists have contended for the distinction between the realms of church and state. Moreover, while Baptists have recognized that Christians are called to be faithful under any government—regardless of its approach to religious freedom—it should not be assumed that Baptists are indifferent to the form of government under which they are to live. Leland contended that the rights of conscience were inalienable; no government had the authority to circumvent or conscript these rights. That contention is incompatible with notion of state-backed religion, which is why Leland defended the principle of strict separation. As he stated, “The notion of a Christian commonwealth, should be exploded forever.”⁸⁵

As noted, Baptists have recognized that a government’s commitment to defend rights of religion and conscience are unlikely to exist in a vacuum. Thus in 1925, the Baptist Faith and Message articulated a particular vision of both church and state, “A free church in a free state is the Christian ideal.”⁸⁶ Religious matters must remain separate

⁸⁴ To exit the state of nature, Locke understood men would be forced to “quit every one his Executive Power of the Law of Nature, and to resign it to the publick.” Government, in Locke’s view, was responsible for executing justice, that is, the violation of natural rights. It was not empowered to trample upon or override the natural rights of the people. Locke, *Two Treatises of Government*, 325.

⁸⁵ Leland, “The Virginia Chronicle,” 99.

⁸⁶ Lumpkin and Leonard, *Baptist Confessions of Faith*, 519. For an overview of the democratic nature of Baptist church government, see Gregory A Wills, *Democratic Religion: Freedom, Authority, and Church Discipline in the Baptist South, 1785-1900* (Oxford; New York, NY: Oxford University Press,

from the state, but this is improbable unless the state itself has a broad commitment to personal freedom and civil liberties. In other words, a government committed to exercising maximal control over its people is unlikely to respect the boundaries of such liberties, even when the encroachment relates to religious matters. Thus, Baptists promote the ideal of a free church in a free state—a setting where liberty flourishes in all its forms, and religion is insulated from the state’s intrusion.⁸⁷ Baptists support the principle of separation because they recognize the church is a kind of community over which the state lacks authority, whether to regulate, establish, or coerce.

Separation as Essential

Locke’s contract theory is useful to Baptists precisely because it allows Baptists to articulate a bounded vision of the state’s authority. Church and state may only remain separate if the state recognizes that not every aspect of society belongs to its jurisdiction. Baptists have always rightly identified Jesus as the only Lord of the conscience, but it is also necessary to clearly identify the implications of that belief. To advocate for religious freedom is to necessarily limit the state’s authority. Concerning Locke’s social contract, Baptists may critically employ Locke’s arguments to advance the goal of separation and support broad protections for religion by delimiting the role of the state vis-à-vis society.

2003). For more on democracy and American Christianity, Nathan O. Hatch, *The Democratization of American Christianity* (New Haven, CT: Yale University Press, 1989).

⁸⁷ For a detailed treatment of this theme among Baptists, see Nigel Wright, *Free Church, Free State: The Positive Baptist Vision* (Eugene, OR: Wipf & Stock Publishers, 2011).

Baptists and Locke's Social Contract

This chapter has examined the core elements of Locke's social contract theory through the matrix of the five essential elements of the Baptist view of the state. In light of this evaluation and critique, it is necessary to determine to what extent Locke's contract theory is useful for articulating a Baptist view of political authority. The examination above has demonstrated Locke's social contract theory, while not in perfect alignment, holds great value for Baptist political thought. This is true for several reasons.

Fundamentally, Locke's social contract theory affirms the critical principle of separation between church and state. If Baptists have sought the bifurcation of these two realms of authority since the inception of the modern Baptist movement, through his social contract theory Locke presented an enduring political vision that both advanced and sustained such a goal. Further, Locke sought not only to separate the institutions of church and state, but to dramatically curtail the state's authority. In the age of absolute monarchy, Locke made it his aim to limit the king's authority in order to preserve natural rights. He understood that all men possess certain fundamental freedoms—a principle affirmed by Baptists throughout their history—and because these freedoms exist prior to government, the state has the duty to protect them. This likewise coheres with Baptist beliefs. Finally, Locke argued the state is also obligated not to circumvent or burden the exercise of these fundamental rights, which include the rights of religion and conscience. This is the central contention of the Baptist view of religious freedom.

Ultimately, the most significant difference between Locke's political theory and Baptist convictions regarding political authority concern the nature of its origins. Locke's *Two Treatises* is primarily a work of philosophy, rather than theology. Unlike modern

Baptists, Locke's views are not explicitly tethered to the authority of the Scriptures. Where Locke is free to deny the legitimacy of governments not founded upon the basis of consent, Baptists enjoy no such freedom.⁸⁸ Where Locke unequivocally asserts that a government that lacks consent also lacks legitimacy, Baptists may only point toward the ideal of a free church in a free state. While Baptists have always insisted that the state's authority is not without boundaries, Baptists must stop short of embracing Locke's full argument about the voluntary nature of political obligations. But even so, there remains substantial alignment between Locke's contract theory and the five essential elements of the Baptist view of the state.

Is it wise for Baptists to approach the subject of political authority through the lens of Locke's social contract theory? To this question, the answer is a qualified yes. As mentioned, Baptists reject Locke's contention that political obligations must be voluntary in order to be legitimate. However, in a liberal democracy such as that of the United States, government is intended to represent the will of the people. Moreover, American democracy rests upon a liberal vision that privileges natural rights and seeks to preserve civil liberties. Under such a government, it is indeed prudent for Baptists to utilize Locke's contract theory—in light of its substantial compatibility with Baptist theology—to articulate the appropriate boundaries and function of government. In utilizing Locke's social contract, Baptists are able to ask and explore fundamental questions about the proper scope of the state's authority and how the institutions of church and state can

⁸⁸ For Baptists, "there is no authority except from God, and those that exist have been instituted by God" (Rom. 13:1). This is why Leland's endorsement of the social contract states merely that such a pattern of government "appears to be a just one." Leland, "The Rights of Conscience Inalienable," 179.

peacefully exist alongside one another in one society. In this way, Baptists can avail themselves of Locke's theory of the social contract to better articulate the full implications of religious liberty as a political doctrine. And by doing so Baptists would not merely affirm religious freedom, but more fully secure it as they advance civil liberties and articulate the appropriate boundaries and jurisdiction of civil government.

CHAPTER 5 CONCLUSION

For a religious people who contend that government and religion should remain separate, Baptists have dedicated a considerable amount of time and thought to examining the proper functions of government during their roughly four-hundred-year history. Yet Baptists have done so out of necessity. Born amid fierce persecution, the first modern Baptists were forced to think biblically and carefully about the relationship between religion and civil government, as their congregations met in secret and their pastors often languished in jail. Remembering these origins, Baptists have continued to be stalwart defenders of the separation of church and state and advocates of religious freedom.

Jonathan Leeman contends, “beastly governments ordinarily make the work of God’s people much harder and sometimes impossible. Christians therefore should study what makes the difference and put their hands to building one kind rather than the other.”¹ This thesis has been dedicated to that task. Recognizing religious liberty as a key distinctive of the Baptist faith, this thesis has sought to understand the political implications of that doctrine and to bring Baptist theological beliefs related to religious liberty into conversation with the political philosophy of John Locke. In doing so, this

¹ Leeman, *How the Nations Rage*, 101. For other recent works engaging political theology from a Baptist perspective, see Moore, *Onward*; Bruce Riley Ashford and Chris Pappalardo, *One Nation Under God: A Christian Hope for American Politics* (Nashville, TN: B & H Academic, 2015); Leeman, *Political Church*.

study isolated and examined Locke's social contract theory—the center of his understanding of government—and presented an analysis and critique of Locke's theory through the lens of Baptists theology. Before presenting a summary of the arguments and conclusions from this effort, the impetus for its focus will once again be briefly revisited.

American Baptists and John Locke

As noted in the introduction, a significant portion of Baptists in the United States have found themselves comfortably at home within American liberal democracy, which arose substantially from Locke's liberal theory of government. At present, it is merely assumed that Baptist theology is not at odds with the liberal democratic tradition. But at a time when both the utility and morality of liberal democracy is being called into question, it is prudent to reexamine the compatibility of its foundations with Baptist theology. Further, Locke's social contract theory is of particular interest for a second reason. In addition to the significant influence of Locke's thought upon the American founding, his political philosophy was also forged against the same backdrop from which the modern Baptist movement emerged. Because both John Locke and the Baptist movement were products of seventeenth century England, with the earliest Baptists preceding Locke by only a few decades, examining the coherence between their respective views of the proper relationship of church and state is also of great interest.²

² Around 1608, John Smyth launched the modern Baptist movement when he led his congregation to embrace believer's baptism. Locke was born in England in 1632. He first published *Two Treatises of Civil Government* in 1689, though he did not claim authorship for the work at the time. For more on Smyth and early Baptists in England, see McBeth, *The Baptist Heritage*, 34. For more on Locke's life, see Woolhouse, *Locke*. For a critical edition of *Two Treatises*, see Locke, *Two Treatises of Government*.

In crafting his political philosophy, Locke was writing in view of more than a century of bloody and enduring religious wars that ravaged England and Western Europe following the Reformation. Because of his association with the Earl of Shaftesbury, Locke's proximity to the highest levels of English politics allowed him to see firsthand the chaos inflicted upon a society due to conflicts over religion. Bearing witness to such conflicts shaped Locke's views of the purpose of government, specifically the necessity of placing limits upon political authority. In his *Two Treatises*, he argued that government is chiefly intended to perform a narrow and circumscribed task, securing "the *Peace, Safety and publick good* of the People."³ As demonstrated in chapter two, this same backdrop informs the birth of the Baptist movement. Smyth and Helwys were religious nonconformists at a time when religious dissent was unlawful in England and dissenters themselves were under constant threat from the Crown. In a kingdom bent on religious conformity, early Baptists sought the freedom to worship according to the dictates of conscience.⁴ In this pursuit, their aim joined a similar path to Locke's own effort to limit the scope of government's authority, specifically by disentangling the interests of religion and civil government.

As Locke and the early Baptists sought to separate the affairs of the state from the realm of religion, they pursued this common goal for different reasons. While Locke presented his arguments primarily as a means of achieving civil peace, English Baptists sought such separation to achieve the freedom to practice their faith without interference

³ Locke, *Two Treatises of Government*, 353.

⁴ For more on early English Baptists and religious persecution, see Ivimey, *A History of English Baptists*. See also, Whitley, *A History of British Baptists*.

from monarchs or magistrates. Still, in both cases Locke and the Baptists shared the fundamental goal of separating religion from the domain of civil authority. Ultimately, this study concluded that Locke's political philosophy and Baptist views of religious freedom being forged in the same environment and in pursuit of similar ends resulted in a significant level of coherence between their respective views of the relationship of church and state. While Locke's social contract theory did not find complete harmony or resonance with the five essential elements of the Baptist view of the state, the analysis and critique of Locke's views did yield substantial alignment between his arguments in support of limited government and Baptist convictions about the boundaries of the state's authority. It was therefore determined that Baptists are wise to employ, with care and precision, Locke's insights and arguments about the role of the state to advance the doctrine of religious freedom and the principle of separation.

Summary of Arguments

The first chapter introduced John Locke's social contract theory and demonstrated its significant influence in the development of American liberal democracy. The chapter also focused on the Baptist distinctive of religious liberty as both a religious and political doctrine. Additionally, the chapter identified the political implications of that doctrine, specifically concerning the limited role of the state. Chapter one ultimately clarified the need for Baptists to identify a coherent theory of political authority from which to consistently defend the doctrine of religious freedom and advance the principle of separation between church and state. To this end, the chapter set forth a framework for

examining Locke’s theory of political authority—which lies at the foundation of the American state—from a Baptist perspective.

The second chapter presented a detailed overview of the development of the Baptist doctrine of religious liberty.⁵ The chapter demonstrated the gradual nature of the development of the doctrine and included a brief exploration of the origins of the Baptist movement. The majority of the chapter was dedicated to a historical overview of the thought of early Baptists in both England and the United States. The overview began with the Baptist pioneer John Smyth and concluded with the American Baptist John Leland, whose robust doctrine of religious freedom came to represent the majority view among Baptists in the United States. From that overview, the second chapter established five essential elements of a Baptist view of the state drawn from Baptist commitments to the doctrine of religious freedom: The state is established by God and exists to promote justice, punish evil, and order affairs in the civil realm; the state has no authority over the conscience and must make no laws to establish religion, nor coerce religious beliefs; Christians have a duty to obey the state; the state has a duty to protect religious freedom; church and state must remain separate.

The third chapter presented a detailed examination of Locke’s social contract theory as set forth in his *Second Treatise*. In view of the historical connections between Locke and the origins of the Baptist movement, the chapter also included a historical overview of Locke’s life and context. This chapter presented a thorough treatment of the

⁵ As previously acknowledged, Baptists are not a monolith. Nor are Baptists hierarchical in their religious practice. For these reasons, the Baptist doctrine of religious freedom refers to the major tradition among American Baptists, rather than a single unified doctrine embraced by all Baptists. Cf. White, Duesing, and Yarnell, *First Freedom*.

elements of Locke's contract theory including his anthropology, his views on natural law, natural rights, consent, and the nature of political obligations. It also included a brief examination of substantive criticisms of social contract theory. The chapter concluded with a summary of Locke's contract theory and set forth its significant implications.

The fourth chapter presented an assessment and critique of Locke's social contract theory through the lens of Baptist theology utilizing the five essential elements of a Baptist view of the state. In the course of that analysis, it was determined that Locke's social contract theory holds great utility for Baptist political thought. Though Locke and the Baptist tradition maintain substantial differences about the origins of the state's authority and the nature of political obligations, there remains significant coherence between Baptist beliefs and Locke's arguments about the role of the state. Specifically, the chapter found considerable alignment between Baptists and Locke on the subjects of natural rights, separation, and the limits of government's authority. Ultimately, this inquiry demonstrated the plausibility of Baptists utilizing Locke's social contract theory and laid the groundwork for further research concerning the ways Locke's contract theory and his broader political philosophy may be employed by Baptists to articulate a view of political authority and advance their beliefs about separation and religious freedom.

Further Research

This study has concentrated on the question of whether or not Locke's social contract theory holds utility for Baptists to articulate a coherent view of political authority. Based upon the research herein, this thesis contends that the answer to that question is a

qualified yes. While Baptists are unable to adopt Locke's social contract theory in its entirety, there is significant alignment between much of Locke's argumentation and Baptist beliefs about the role of the state. But such a conclusion is hardly the final word on the intersection between Locke's political philosophy and the Baptist tradition. In light of this research, there are several potential avenues ripe for further inquiry.

First, the most obvious next step in this research is to pursue the question of what it would mean for Baptists to critically employ Locke's insights to construct a coherent vision of political authority. As demonstrated here, there is considerable benefit from bringing the Baptist theological tradition into conversation with modern political philosophy. But where this thesis was limited to answering the question of whether Baptists *may* utilize Locke's arguments about the state, a substantial body of research is yet to be done about *how* this might happen. Certainly, such an inquiry could be of significant benefit to contemporary Baptists.

Second, due to the ongoing discussion about ideas such as post-liberalism and integralism in the United States, it would be useful to consider the compatibility of Baptist theology with these approaches to political authority. Based upon the research established in this thesis, it is likely that Baptist theology would find considerable dissonance between its fundamental commitments about religious liberty and the state and these more restrictive alternatives to liberal democratic governance. Given the significance of contemporary Baptists in American culture, it is worth considering whether such alternatives are fundamentally incompatible with the Baptist ideal of "a free

church in a free state.” Such an exercise would bring the wealth of the Baptist tradition to bear upon a significant political question currently under discussion.

Finally, the research established here has much to say about the frequent clashes between religious freedom protections and LGBTQ rights in the United States.⁶ The rapid acceleration of the sexual revolution has brought forth pressing questions for Christians to answer about rights, religion, and the state.⁷ Among these questions is the need to determine at what point contemporary American Baptists should reject the government’s curtailing of religious freedom and conscience protections in its effort to protect the rights of other citizens. If the current trajectory is any indication, such concerns are hardly distant or theoretical. Baptists would benefit from clear and current scholarship addressing questions about the state’s authority to adjudicate religious freedom protections, place limits upon rights of conscience, or intrude upon the exercise of religion. In pursuit of such a goal, this research on Baptists and Locke would provide a substantial foundation to build upon.

John Locke and the Baptist Tradition

This thesis ends where it began, pointing back to Leland’s contention that Christianity remains the only religion “worth having” and the “best thing on earth.”⁸ Even so, Leland still rightly asserted, “wherever [Christianity] has been made the characteristic of a whole

⁶ Cf. R. Albert Mohler Jr., *The Gathering Storm: Secularism, Culture, and the Church*. (Nashville, TN: Thomas Nelson, 2021).

⁷ For more on the rise of the sexual revolution, see Carl R. Trueman, *The Rise and Triumph of the Modern Self: Cultural Amnesia, Expressive Individualism, and the Road to Sexual Revolution* (Wheaton, IL: Crossway, 2020). For a Baptist perspective on preserving freedom for all Americans to the greatest extent possible, see Andrew T. Walker, *Liberty for All: Defending Everyone’s Religious Freedom in a Pluralistic Age* (Grand Rapids, MI: Brazos Press, 2021).

⁸ Leland, “Which Has Done the Most Mischief in the World, the Kings-Evil or Priest-Craft?,” 493.

nation, and treated as a principle of state policy, it has been the worst hag above hell.”⁹ This thesis has brought Baptist theology into conversation with John Locke’s social contract theory in service to advancing the Baptist doctrine of religious liberty and the principle of separation. It has aimed to demonstrate that critically employing Locke’s contract theory holds promise for Baptists to articulate a robust and coherent vision of political authority, from which they might advance civil liberties and defend the principle of separation. Above all, the goal of this research is not to bring Baptists further into secular politics but to ensure that government continues to respect the role of religion in society. The intermingling of church and state always harms the church. It is desired that this thesis allows Baptists to better defend religious liberty as a political doctrine. And for the good of the church, the arguments herein are offered in hopes that Jefferson’s “wall of separation” between church and state remains intact.

⁹ Leland, “Which Has Done the Most Mischief in the World, the Kings-Evil or Priest-Craft?,” 493.

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